

Calling for truth about mass killings of 1965/6

Civil Society Initiatives in revealing the truth of mass killings of 1965/6 under the transitional justice framework in Indonesia

Candidate number: 9006

Submission deadline: 15 August 2014

Number of words: 19,996



Table of contents

Abstract	1
Abbreviation and Names	2

CHAPTER

1. INTRODUCTION	5
1. 1. Background	5
2. 2. Objective, scope and research question	7
3. 3. Methodology	8
4. 4. Structure	10
 2. THE CONCEPT OF TRANSITIONAL JUSTICE FRAMWORK, RIGHT TO TRUTH AND CIVIL SOCIETY UNDER TRANSITIONAL JUSTICE FRAMEWORK	 12
2. 1. Key concepts of the transitional justice framework	12
2. 2. Truth seeking and transitional justice	15
2. 3. Civil society and transitional justice	18
 3. THE POLITICAL CONTEXT OF MASS KILLINGS OF 1965/6 IN INDONESIA’S POLITICAL TRANSITION	 20
3. 1. Political transition in Indonesia	20
3. 2. State denial of the mass killings of 1965/6	25
 4. CIVIL SOCIETY INITIATIVES IN REVEALING THE TRUTH OF MASS KILLINGS OF 1965/6	 30
4. 1. Civil society and transitional justice in Indonesia	30
4. 2. Civil society organizations’ initiatives in revealing the truth about the	

mass killings of 1965/6 through formal mechanisms	32
4. 2. 1. Pushing for a Truth and Reconciliation Commission	32
4. 2. 2. Pushing for a pro justicia investigation of mass killings of 1965/6 to the National Human Rights Commission	34
4. 3. Civil society organizations initiatives in revealing the truth about the mass killings 1965/6 through informal or unofficial truth mechanisms	38
4. 3. 1. Local initiatives for truth: SKP HAM Palu	40
4. 3. 2. National initiatives for truth: KKPK	43
4. 3. 3. International initiatives for truth: The Act of Killing	47
5. STATE RESPONSES TO CIVIL SOCIETY INITIATIVES AIMED AT REVEALING TRUTH OF MASS KILLINGS OF 1965/6	51
5. 1. In responding to truth initiatives policy from civil society	51
5. 2. In responding to unofficial truth initiatives from civil society....	58
5. 3. Reaffirming the state denial on the truth of mass killing of 1965/6	60
6. ANALYSIS ON CIVIL SOCIETY INITIATIVES CALLING FOR TRUTH UNDER THE TRANSITIONAL JUSTICE FRAMEWO	62
7. CONCLUSION	66

TABLE OF REFERENCE

ABSTRACT

Mass killing of 1965/6 is the most serious of human rights violations in Indonesia's history, which illustrated very well how systematic impunity persists even in cases considered as crimes against humanity. Calling for truth about mass killing of 1965/6 is crucial for the "historical clarification" of the nation. The study concludes that the civil society's initiatives have played an important role in pushing for truth of mass killing of 1965/6 to be uncovered. Despite prolonged political constraints and the state denial of the events of 1965/6, civil society has been reformulating the common aim, objective, strategy and realistic goal. The study finds that the experiences of the civil society organization in local, national and international context is significant in revealing truth in as the first step in providing alternative knowledge to the public, and pushing for formal acknowledgement from the state. However, after more than 16 years of "*reformasi*," the framework of transitional justice has not yet been able to function properly as an integral approach in settling the past human rights abuses in Indonesia. "Postponed transitional justice" during these transitional years is still on going. Therefore, truth, justice, reparations and the guarantee of non-recurrence for past abuses, as a comprehensive framework of transitional justice, are still very difficult goals to achieve. The struggle of the Indonesian civil society to combat impunity during the "*reformasi*" era highlights an important fact that achieving the integrated transitional justice approach takes a long time and requires a gradual process.

Keywords: Civil Society, Truth, Transitional Justice

Abbreviation and Names

AGO - The Attorney General's Office

AJAR - Asia Justice and Rights

AHRC - Asian Human Rights Commission

AGSI - *Asosiasi Guru Sejarah Indonesia*, Indonesian History Teacher Association

BIN – *Badan Intelijen Negara*, State Intelligence Agency

BTI - *Barisan Tani Indonesia*, Indonesian Farmer's Union

ELSAM – *Lembaga Studi dan Advokasi Masyarakat*, The Institute for Policy Research and Advocacy

ETAN - East Timor and Indonesia Action Network

FSAB – *Forum Silaturahmi Anak Bangsa*, Children of the Nation Gathering

G 30 S/PKI - *Gerakan 30 September Partai Komunis Indonesia*, 30 September Movement
Indonesian Communist Party

Gerwani - *Gerakan Wanita Indonesia*, Indonesian Women's Movement

Golkar – *Golongan Karya*

HRC - Human Rights Court

ICG - International Crisis Group

ICTJ- International Centre of Transitional Justice

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

IKOHI – *Ikatan Keluarga Korban Indonesia*, Indonesia Association of Family of
Disappeared

ISSI - *Institute Sejarah Sosial Indonesia*, the Indonesian Institute of Social History

JSKK - *Jaringan Solidaritas Korban untuk Keadilan*, Victims Solidarity Networks to
Justice

JRK - *Jaringan Relawan Kemanusiaan*, Networks of Humanity Volunteers

JPIT SPAB – *Jaringan Perempuan Indonesia Timur untuk Studi Perempuan Agama dan
Budaya*, Easter Indonesia Women Networks for Women Studies

LKK - *Lembaga Kreativitas Kemanusiaan*, Humanity Creative Institution

LPKP 65 – *Lembaga Penelitian Korban Pembunuhan 1965/6*, the Research Institute for Victims of the 1965 Tragedy

LPRKROB – *Lembaga Perjuangan Rehabilitasi Korban Rezim Orde Baru*, Organization for the Rehabilitation Struggle for New Order Victims

KontraS - *Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan*, The Commission for the Disappeared and Victims of Violence

KKPK - *Koalisi Keadilan dan Pengungkapan Kebenaran*, Indonesian Coalition for Justice and Revelation of Truth

Komnas HAM – *Komisi Nasional Hak Asasi Manusia*, National Commission of Human Rights

Komnas Perempuan – *Komisi Nasional Anti Kekerasan Terhadap Perempuan*, National Commission on Violence Against Women

KKP HAM 65 – *Komite Aksi Korban Pelanggaran HAM Peristiwa 1965*, the 1965 Human Rights Victims Action Committee

KPK Aceh - *Koalisi Pengungkapan Kebenaran Aceh*, The Coalition of Revealing the Truth in Aceh

Kopasus – *Komando Pasukan Khusus*, Special Forces of Indonesia Army

LBH Jakarta – *Lembaga Bantuan Hukum Jakarta*, Jakarta Legal Aid

LPSK - *Lembaga Perlindungan Saksi dan Korban*, The Witnesses and Victims Protection Agency

LEKRA - *Lembaga Kebudayaan Rakyat Indonesia*, The Indonesian People Culture Institute

PR - *Pemuda Rakyat*, The People Youth

MPR – *Majelis Permusyawaratan Rakyat*, People’s Consultative Assembly

NGO - Non-Government Organization

NU - *Nahdatul Ulama*, The Awakening of the Religious Scholar

PKI - *Partai Komunis Indonesia*, Indonesian Communist Party

Perwali - *Peraturan Walikota Perwali*, Mayor’s Regulation

PEC - People Empowerment Consortium

Prolegnas - *Program Legislasi Nasional*, National Legislation Program

Pakorba – *Paguyuban Korban Order Baru*, Victims of the New Order Association

RANHAM - *Rancangan Aksi Nasional Hak Asasi Manusia*, National Action Plan of Human Rights

RPKAD – *Resime Pasukan Komando Angkatan Darat*, Army Para Commando Regiment

SOBSI - *Sentral Organisasi Buruh Indonesia*, The Indonesian Workers Union

SKPHAM - *Solidaritas Korban Pelanggaran Hak Asasi Manusia Palu*, Solidarity for Human Rights Violation Victims Palu

SNB – *Solidaritas Nusa Bangsa*, Solidarity of the Nation

SBY- Susilo Bambang Yudhoyono

Syarikat – *Masyarakat Santri untuk Advokasi Masyarakat*, Religious Society for Advocacy on Behalf of the People

SEKBER 65 – *Sekretariat Bersama 1965*, Joint Secretariat for 1965

TAP MPRS - *Ketetapan Majelis Permusyawaratan Rakyat Sementara*, Resolution of Temporary People’s Consultative Assembly

TAPOL – *Tahanan Politik, Political Prisoners*

TAoK - The Act of Killing

TNI - *Tentara Nasional Indonesia*, Indonesian Military Forces

UN - United Nation

YAPHI – *Yayasan Pengabdian Hukum Indonesia*, Indonesian Law Service Foundation

YPKP 1965 – *Yayasan Penelitian Korban Pembunuhan 1965/6*, Research Foundation for Victims of 1965/6

1. Introduction

1. 1. Background

President Soeharto's rule over Indonesia (1966-1998) was an authoritarian regime, which was called the *Orde Baru* (New Order). Massive corruption and gross violations of human rights were committed systematically as measures to control and discipline society, or to suppress political opposition.¹

The mass killing² of 1965/6, which was carried out across most parts of Indonesia, marked the birth of an authoritarian military regime which subsequently committed other human rights violations and abused state power up to the reform starting in 1998. In the aftermath of the 1965 coup attempt³ of the "30 September Movement" (*Gerakan 30 September*), around 500,000 people were killed across Indonesia by military officials and groups of civilians backed by the army, whose members came from various anti-communist militia groups, political parties and religious associations.⁴ Millions more were tortured, injured, disappeared, raped and imprisoned without trial or removed from their public office positions. Furthermore, thousands of students who studied abroad and even Indonesian ambassadors could not return to their country, as the government revoked their passports if they

¹ ICG (2001), p. 1

² The terminology of the "mass killing" is used as the common term to illustrate the situation during 1965/6, even though the situation was based on mass (various) violence. During the New Order, the government is using the terminology of "clash", while after "reformasi," the common use by civil society is the "event". However, there are various researchers also indicate that there was a "political killing" or "massacre" or "genocide" on the 1965/6. Later, the National Commission of Human Rights (Komnas HAM) stated that the events of 1965/6 could amount to "crimes against humanity".

³ "Coups attempt" is one of the finding researches of the event of 1965/6. However, there are various research which also indicated that elites of the PKI is involved on those event. The uncertain facts on this case are the indicator of the importance of the formal truth revealing by state.

⁴ Cribb (1990), p. 1-42; Cribb (2001), p. 219

refused to declare their political allegiance to the new regime. Some of them were members of PKI (*Partai Komunis Indonesia*, Indonesian Communist Party), however most were simply suspected of members of the party or supporters/sympathizers. As a consequence, the stigmatization and discrimination for victims became embedded in society and is continuing up until through both the state's policy and social norms.

Although this massive violence is not well known by the public internationally, it is one of the worst cases of crimes under international law carried out after the World War II. Furthermore, the authoritarian regime administered the country under the corrupt governance, and conducted various human rights violations all over Indonesia with the justification of the stability of the country for thirty-two years.

Eventually, in 1998, Soeharto was forced to resign as a result of popular uprisings and protest from civil society and that was the start of a democratic society in the era called reformation or '*reformasi*'. The *reformasi* process began with a period of considerable changes in the governance system.

While systematic human rights violations were an embedded problem in the New Order era, the *reformasi* period has sought to draw a line between the past and the future, so that the issue would not become a burden for the successive regimes. This can be seen by a number of legislative and institutional reforms to recognise international human rights standards. However, there has been no significant development in establishing state responsibility for past abuses.

As a post authoritarian regime country, a strategy to deal with the past is important to facilitate democratic transition and governance. So-called transitional justice is a framework to deal with the issue of how a new, more civilian and democratic regime shall come to terms with its past full of systematic human rights violations. The framework of transitional justice focuses on acknowledging victims' rights and promoting the probabilities for peace, reconciliation and democracy, and most importantly to strengthen accountability for gross

violations of human rights and serious violations of international humanitarian law. This is clearly stipulated as an obligation under international law. The framework of transitional justice consists of initiatives of judicial and non-judicial mechanisms, including prosecution, truth seeking, reparation programmes, institutional reforms or an appropriate combination.⁵

Additionally, democracy is needed to further develop political freedom, rule of law, civil and political liberties and supremacy of civilian supremacy. In this role, the participation of actors in civil society is needed to contribute to good governance. Hence, the government should be transparent and generally in favour of open governance, including by way of inviting the participation of civil society in the process of democratisation.

However, the ‘truth’ about the mass killing of 1965/6 has been systematically denied and little, if anything has been brought to the public attention. On the other hand, the democratic transition has brought with it more openness, providing greater space for civil society to participate in the governance process. This has led actors in civil society to undertake various initiatives demanding state accountability for past human rights abuses, including the 1965/6 mass killings.

1. 2. Objective, scope and research question

This thesis sought to analyse the influence of civil society initiatives in revealing the truth about the mass killings of 1965/6 in favour of achieving the truth under the transitional justice framework applicable in Indonesia.

For almost 16 years of “*reformasi*”, the Indonesian government has not developed a comprehensive strategy to settle the past. The case of mass killing of 1965/6 has been selected

⁵ UN TJ (2010), p. 3

as a case study because it is the most serious abuse of human rights in Indonesia's history. Victims and their families have suffered for almost 50 years without any acknowledgement of what they suffered. Most of the victims have already died, as have many of those suspected of perpetrating human rights violations. Thus, the case illustrates well how systematic impunity persists in Indonesia even in cases where gross violations and crimes against humanity have occurred.

Revealing the truth as part of truth-seeking based on the facts of past human rights violations is a first step to ensure that the transitional justice framework will be implemented in a country transitioning to democracy. Therefore, it is important to scrutinize the attitude of which Indonesians display towards their history. Additionally, choosing the case study of mass killing of 1965/6 as landmark case of crimes against humanity is important to give more understanding of the extent to which the state has the political will to deal with the past and move forward towards a better human rights condition and democracy in the future.

Therefore, the research questions throughout this thesis are:

- How has the transitional justice framework, in particular truth seeking policy been applied in *reformasi* era in Indonesia?
- How do civil society initiatives aimed at revealing truth of mass killing of 1965/6 influence the truth-seeking policy under transitional justice framework in Indonesia?
- How does the state respond to the civil society's initiatives in revealing truth of mass killing of 1965/6?

Furthermore, to limit the scope of the assessment and thus make it realistic, I have a limitation category of civil society definition, which mainly the civil society organization, includ-

ing NGO's. I also chosen a number of initiatives that illustrate how initiatives of civil society in achieving the truth of mass killing 1965/6 under the transitional justice framework were implemented. I divided with two initiatives of civil society. *Firstly*, is the initiative through the formal mechanism, by urging the establishment of the Truth and Reconciliation Commission (TRC) and the Human Rights Court (HRC). *Secondly*, is the initiative in revealing the truth through informal or unofficial mechanism. Apart from various efforts by civil society, I am choosing the example effort from local, national and international initiatives. At the local level, I am choosing the initiative by SKP HAM Palu (*Solidaritas Keluarga Korban Pelanggaran Hak Asasi Manusia*, Solidarity for Victims of Human Rights Violation), one of the victims' communities in Palu, Central Sulawesi Province who have successfully advocated for a local regulation on reparation for victims and most importantly the acknowledgement on the mass killing of 1965/6 in Central Sulawesi by their Mayor. At the national level, I am choosing the effort of the KKKPK (*Koalisi Keadilan dan Pengungkapan Kebenaran*, Indonesia Coalition for Justice and Revelation of Truth), who conducted a "Year of Truth" in 2013. This coalition consists of various non-governmental organisations (NGOs), which aims to find synergies and a common strategy to strengthen advocacy efforts and deliver concert results for victims and their families. At the international level, at last, I am assessing the publicity of the documentary film "The Act of Killing" (TAoK), which received various awards and recognition internationally and contributed to acknowledgement of the mass killing of 1965/6 in Indonesia.

As various academic researchers have studied the development of legal reform in the political context of the transitional justice framework in Indonesia, this assessment focuses on the initiatives of civil society to expose the truth and to foster state accountability.

1. 3. Methodology

The research uses qualitative research in social science methodology, applying socio-legal as well as social science approaches. The method is to analyse data and information by way of a critical case study. The primary focus is to answer the three research questions. There-

fore, the thesis relies primarily on analysis of secondary resources of literature studies. UN human rights documentations, Indonesian laws and regulations, extensive reading of academic, books, journals, NGO reports, government documents and relevant electronic newspaper articles inform this research. Furthermore, the research draws from 8 interviews with a range of actors with expertise and experience on the struggles for truth and justice for the 1965/6 mass killings, including human rights and civil society activists, government representatives and human rights experts.

In addition, this research also draws on my own experiences following the political process in Indonesia and being involved personally in civil society struggles for the promotion of human rights in the transition democratic in Indonesia. I have been working in one of the leading NGOs in Indonesia, KontraS, (*Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan*, The Commission for the Disappeared and Victims of Violence)⁶ for more than 10 years, where I have played a major role assisting the victims of human rights violation in their struggle to pursue truth and justice of past systematic abuses. I also recognize that there have been many initiatives from civil society, particularly the NGOs to influence the political process during the transitional period.

1. 4. Structure

Chapter one introduces the background of the study and states the problem by formulating the research questions and specifying the objective and scope to study, the basic methodology and the structure.

⁶ KontraS was established in 20 March 1998, just few months before Soeharto falling down. The capital S perceived to signify Soeharto, showing that the organization was explicitly contra or against Soeharto, which conducted human rights violation massively. Further information: www.kontras.org

Chapter two provides an explanation of the key concept of transitional justice framework, and then moves to focus on the right to truth. It then describes the concept of civil society in transitional justice framework.

Chapter three explores how this framework can be applied to the Indonesian context. The chapter starts by exploring the political transition in Indonesia and the state denial in revealing the truth of 1965/6 mass killings.

Chapter four describes the civil society initiatives aimed at revealing the truth of the mass killing of 1965/6. It examines both formal and informal truth-seeking initiatives and evaluates their effectiveness and impact.

Chapter five examines state responses to civil society initiatives aimed at addressing past human rights abuses, including mass killing 1965/6, during the administration of Presidential Susilo Bambang Yudhoyono. It is divided of three areas focus: the state response in the truth initiatives policy from civil society, state responses to unofficial truth initiatives from civil society; and attitudes by state actors and key government towards the 1965/6 mass killings which either seek to deny of justify the events of 1965/6.

Chapter six provides and analysis of the role of civil society in achieving truth and their influences under the transitional justice framework in Indonesia.

Finally, chapter seven is summarizing the findings of the thesis topic.

2. The concept of transitional justice framework, right to truth and the role of civil society under the transitional justice framework

2. 1. Key concepts of the transitional justice framework

The issue of transitional justice has developed as one of the controversial discourses in the human rights sector since the early 1990s, when a series of transformations occurred from authoritarian regimes into more democratic regimes in Latin America, South Africa and Eastern Europe.⁷ Massive and systematic human rights violence as well as corruption occurred under authoritarian repressive rule. When finally they moved on towards democratic regimes, they had to deal with various problems of the past to achieve a better governance phase in the future. In addition, the challenge for new democracy is to properly face past evils without destabilizing the new democracy or threatening scenarios for future development.⁸

Therefore, usually states and people are at a crossroads: how to settle past accounts and how to prevent that the human rights violations continue in the future. The conflict usually arises from a tension between approaches of either forgetting the past to avoid the fury of the perpetrators and their cronies, and meeting ethical and political requirements to be able to deal with the violations in the previous government.⁹ Some argue that the best way to build up the future is to forget the past, which could remind people of the details of the violations and draw attention to the wrongdoers, bringing a political problem to the surface and dividing the society in the country. While, in some part, particularly victims' groups argue that revealing the truth and building the collective memory is a process of reconstructing the representations of the past in the light of the present.¹⁰

⁷ Benomar (1995), p.xix-xxi.

⁸ Garton Ash (1998), p. 35.

⁹ Hayner (2010), p. 10.

¹⁰ Teitel (2000), p. 70.

In the theoretical discourse, the meaning of “justice” in transitional justice is problematic. The legalist human rights perspective and human rights advocates believe that punishment is a tool to prevent future violations because it will have a deterrent effect. They consider that amnesty for the perpetrators of human rights violation must be abolished and they endorse prosecution for wrongdoing.¹¹ They are considers that full retributive or corrective justice is important for democratization and liberal change. Therefore, they consider justice as punishment to the perpetrator, being the central theme of transitional justice. However, the retributive justice focuses on prosecution of the individual actor of the violation of human rights.¹² The only way to bring a demarcation from the past to the future is to prosecute the prior regime and build a rule of law as an essential principle in democratic governance. The failure of the new governance to prosecute past human rights violations of prior regimes represent a prolonged effort to escape accountability regarding the previous regime.¹³ Consequently, the idea to bring justice should be considered as a basic standard universally and become a part of the international human rights discourse.

On the other hand, the politicians and political scholars support a political realistic approach, which believes that the law is only a product of political processes. The realists argue that promotion of human rights must be understood as a political relation or process rather than simply just a legal process.¹⁴ The past human rights violations were usually committed in a systematic and widespread way with structural responsibility by the previous regime. Therefore, it is impossible to prosecute the individual actor of organized crimes. The “truth for amnesty” policy itself is a necessary political compromise.¹⁵

¹¹ Benomar (1995), p. 33.

¹² Opcit, p. 56.

¹³ Teitel (2006), p. 146.

¹⁴ Thomas, Sikkink (1999)

¹⁵ Gutman, Thopson, (2000), p. 26.

However, pragmatically, most of the recent approach of transitional justice cannot establish a new solid democratic system. In a transition period, the various lines of reform are still influenced by the crony's actors of the previous regime. They are influencing the democratic transition process to avoid accountability of the past. Political democracies are usually overturned by conspiracies linking with several different actors, which usually later will receive mass support, and it could contribute special leverage to manipulation.¹⁶ Therefore, the rule of law establish should be based on the practical considerations and politically negotiated. On the other hand, the rule of law itself can strengthen and facilitate transitional developments. The rule of law is historically and politically related. The idea of justice is contextual, placed between the legal and political direction of a country.¹⁷

In a similar way, the study of transitional justice has been developed in the last two decades at the UN (United Nation). In 2011, the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non Recurrence reported and recommended on various issues on the transitional justice perspective.¹⁸ According to his specific mandate, the focus on the implementation of transitional justice framework should cover:

“Truth, justice, reparation and guarantee of non recurrence as measures that are related to and can reinforce, one another, when implemented to redress the legacies of the gross violations of human rights and serious violations of international humanitarian law.”¹⁹

¹⁶ Guillermo, Schmitter (1986), p. 20.

¹⁷ Opcit, p. 7 and 9.

¹⁸ *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence* A/HRC/18/L/22 (2011); A/HRC/RES/18/7 (2011)

¹⁹ Report Pablo De Greiff, A/HRC/21/46 (2012)

2. 2. Truth seeking and transitional justice

The right to truth as a basic right to an effective remedy is one of the essential rights of the victims and their families of gross violations of human rights, and serious violations of international humanitarian law. It includes the right to know the truth about the violation they have suffered, the identity of perpetrators, and the cause of violations. The right to truth relates to serious violations of human rights, but it is most recognized in regard to the issue of enforced disappearances.²⁰

The right to the truth with regard to gross and serious violations of human rights is an inalienable and autonomous right. The right is connected to the responsibility and obligation of the state to protect and guarantee human rights, to conduct effective investigation, and to ensure effective remedy and reparations.²¹ Furthermore, understanding what actually occurred during violations, under the authoritarian regime, is part of individual rights and collective rights.²² Individually, victims and relatives have the right to know the truth regarding gross violations of international human rights and humanitarian law, particularly for the cases of enforced disappearances. In addition, due to the enormity of the violations, the general public has also a right to know the reason, and hear an explanation, as to why such gross violations took place.

However, truth seeking relates to the fulfillment of the right to truth and becomes an essential aspect of the transitional justice framework. Truth seeking is also becoming an approach used to place the victims' interest in revealing the truth into the transitional justice framework. The victim's focus seeks to recognize the dignity and voice of those who have suffered. Victim's rights are usually linked with the right to reparation, but should also be associated with several other aspects of the victim's needs, such as retributive justice and

²⁰ Gonzales Varney (2013), p. 3.

²¹ *Study on the right to truth*, E/CN.4/2006/91, para 55.

²² ECHR, *El-Masri v the former Yugoslav Republic of Macedonia*, 13 December 2012, para 191.

the right to truth. Related terms such as “victims-centered” approaches or “victims-oriented” perspectives are integrated as what actually constitutes victim’s rights.²³ Victims should be at the center as a “truth holder” of their experience in the past.²⁴

Another discourse on the concept of truth was also developed based on the report of TRC in South Africa, in 1998, which recognized the four concepts of truth in the transitional justice framework. *Firstly*, the factual truth is based on factual or objective information and evidence collected or received. *Secondly*, personal truth or narrative truth is based on the personal interview, both of victims and perpetrators. Collecting all personal truth will build the narrative truth, which can contribute to the process of reconciliation. *Thirdly* is the social or dialogical truth, which comes from the experience established through interaction, discussion, and debate, which need society’s participation. *Finally*, the healing or restorative truth places facts in the context of human relationships, both among citizens and between the state and its citizens.²⁵

Related to these concepts, truth is associated with knowledge and acknowledgment. “Knowledge” includes various truth or interpretations conducted by the participants in violation. However, “acknowledgment” should be emphasized under the healing or restorative truth because the facts must be fully and publicly acknowledged. Therefore, victims and survivors should have a significant role in acknowledgement as part of the truth element of transitional justice. Even when knowledge of what actually occurred is obtained, it is important to have perpetrators acknowledge what they did. Its effect on victims can also be crucial for justice, reconciliation and peace building.²⁶

In the judicial process the focus is more on the perpetrators side. Therefore, the truth com-

²³ Garcia Godos, Lekha Sriram (2013), p. 4

²⁴ Report Pablo de Greiff, A/HRC/21/46, (2012), para 54.

²⁵ TRC of South Africa Report (1998), p. 110-114

²⁶ Lambourne (2014), p. 28.

mission is an essential tool for revealing the truth. However, conducting the “official” truth process assumes a degree of democratic consensus. In a transition period the democratic process is often not fully consolidated, with consequences for the authority and legitimacy of any transitional construction of knowledge.²⁷ Nevertheless, the National Human Rights Institution (NHRI) could become a significant actor in ensuring the fulfilment of the right to truth for victims, relatives and society. By conducting fact finding investigations and public reports on past human rights violations, the NHRI can contribute to exposing the truth.²⁸

Truth seeking is seen as the first step to acknowledge other principles under transitional justice framework, which are justice, reparation and the guarantee for non-recurrence. Moreover, the right to truth is connected with other rights, such as the right to an effective remedy, the right to legal and judicial prosecution, the right to family life, the right to an effective investigation, the right to a hearing by a competent, independent, and impartial tribunal, the right to reparation, the right to be free from torture and ill treatment and the right to seek and impart information.²⁹ The right to truth relates to the principle of transparency and good governance as a concrete expression of the constitutional values of human dignity, rule of law and democratic government.³⁰

Hence, truth is considered as the primary foundation of accountability, making prosecution possible, providing effective remedy for victims and setting up structural governance reform. By revealing the truth, the government could provide the knowledge to the society by recording the “historical clarification” on the past offences as an obligation to preserve the memory. The truth becomes an entry to historical discontinuity between the situation in the past and the promising future. The historical truth can influence social life and can encour-

²⁷ Teitel (2000), p. 83.

²⁸ *Study on the right to truth*, E/CN.4/2006/91, para 51.

²⁹ *Ibid*, para 57.

³⁰ *Ibid*, para 46.

age the present regime to restructure society's power structure. Consequently, historical truth is justice itself.³¹

On the other hand, in many countries, while transitional democratic rulers reluctantly integrate the transitional justice framework - including truth seeking – into their governance strategy, various actors of civil society initiated unofficial truth telling. The concept of truth telling is recognizing the truth behind a previous period, often involving both violence and secrecy, and has become more significant. Unofficial truth telling was conducted in various models, which facilitated a high degree of victims' participation.³² While the effort lacks the acknowledgment from the government, the strategy is important for knowledge in recognizing the narrative truth and historical truth among societies.

2. 3. Civil society and transitional justice

In specific terminology on the transitional justice framework, civil society is defined as a conceptual term referring to a broad spectrum of political and non-political actors (such as grassroots organizations, religious groups, university, victims' community and others). On the other hand, the term the Non-Government Organizations (NGOs) refers to the formally established organization that is recognized by the government and the public.³³

The UN study is recommends that the transitional justice measures should strengthen the rule of law in countries, as it has the purpose of promoting a just social order and recognition, truth and reconciliation with a strong catalytic role in meaningful participation of civil society organization. In addition to that, the strategy should also cover the victims-centred approach and the integration of a gender perspective.³⁴

³¹ Teitel (2000), p. 69.

³² Bickford (2007), p. 994-1035.

³³ Roht-Arriaza (2003), p. v.

³⁴ Report Pablo de Greiff, A/HRC/21/46 (2012); A/67/368 (2012)

However, the civil society in transition governance often acts as an instrument for social movements, mobilising and articulating transformation.³⁵ Globally, civil society organizations have often played significant roles in promoting and supporting transitional justice experiments.³⁶

Furthermore, the competence of NGOs and other civil society actors justifies a role in addressing human rights issues that develop in transitional settings.³⁷ The strength of civil society will partly determine the success of any transitional justice initiative. Their contribution can be critical because of information, contacts and expertise in human rights issues.³⁸ More specifically, civil society organizations can play a significant function in deliberating on formulating, scheduling, prioritizing goals and in the community they can provide victim assistance, conduct investigations and organize adversarial public action.³⁹

Therefore the competence of NGOs and other civil society actors validate a role in addressing human rights issues that arise in the international setting.⁴⁰ Furthermore, the UN is also strengthening the importance on the designing and implementing transitional justice process and mechanism by engaging with various actors. Coordinating between UN and non-UN actors (such as donors, non-governmental organizations and private organizations) is equally critical and should be improved through cooperation, coordination and information during the implementation of the framework.⁴¹

³⁵ The Danish Institute of Human Rights (2004), p. 1.

³⁶ Brahm (2007), p. 62.

³⁷ Backer (2003), p. 297.

³⁸ Hayner, P (2005) p. 45.

³⁹ Crocker (1999), p.381, 384-390.

⁴⁰ Backer (2010), p. 297.

⁴¹ UN TJ (2010), p. 7.

3. The context of mass killings of 1965/6 in Indonesia's political transition

3. 1. Political transition in Indonesia

Currently, Indonesia faces new political governance. The presidential election will be conducted this year and will appoint the 7th president after its independence.

New Order took over from previous regime marked by massive human rights violations and abuses. State, through military agency, had strong power to control and influence society in various aspects of people's lives. Massive human rights violations were considered systematic in this period. Prior to the establishment of the New Order regime, mass killing 1965/6 was occurred. Soeharto emerged to power after millions of people were arbitrarily executed, detained, disappeared and imprisoned without trial. There was also a purge of any public officials and members of security forces within the state structure who were affiliated to the PKI. Furthermore, governance restricted the civil and political freedom. The regime used the need for political stability as a justification to suppress freedom of expression and perpetrated massive human rights violation, some of them being considered as crimes under international law. Subsequently, Soeharto maintained his 32 years in power by using security forces to commit systematic, large-scale human rights violations.

In 1998, Soeharto was forced to resign due to mass demonstrations from Indonesian people initiated by the student movement in several large cities in the country. The *Reformasi* process started with a period of considerable transformation of the political and legal system. While systematic human rights violations were an inherent problem in New Order era, in the *Reformasi* period one has been trying to draw a line between the past and the future, so that the issue would not become a burden for upcoming regimes. At least this effort was carried out in the formal manner, rather than that there were substantial outcomes in practice.

Furthermore, since *Reformasi*, the discourse of human rights emerged and was integrated in

an early agenda of legislative and institutional reform. A number of legislative and institutional reforms were carried out to conform to the principles of democracy, rule of law and international human rights standards. In addition, the government became a significant player in the promotion of human rights in regional and international arena to complement its domestic reform, mostly to gain the international community's trust in how Indonesia has changed its image. Human rights language became a tool of political campaigns as well as a tool for building the country's image internationally. On the other hand, this political situation supported civilian supremacy, in the sense that civil society have ample opportunity to be involved and to contribute to the political transition process in Indonesia using the human rights discourse openly, including to raise demands for state accountability for past human rights violations.

I would like to describe in more detail the political transition in Indonesia, in particular of the human rights agenda in *Reformasi* era, which influences the state responsibility process as regards the mass killing of 1965/6. The information below is based on the categorized of the three phases of *reformasi*, (waves of "*reformasi*"), which describe in the joint report of KontraS and ICTJ.⁴²

The first phase was the early reformation, which was called the *momentous change* phase (1998-2000). In 1999, the People's Consultative Assembly (MPR) enacted the resolution TAP MPR IV/1999 on the National Policy Guideline for 1999-2004 that explicitly acknowledged that during the New Order era, there had been "fractured protection and promotion of human rights, demonstrated by various human rights violations, in forms that include violence, discrimination and abuse of power." Moreover, the resolution recommended that the state should develop "a legal system that guarantees the supremacy of the rule of law and human rights based on justice and truth." Meanwhile, in 2000, the MPR enacted resolution TAP MPR V/2000 on Strengthening National Unity and Integrity. The

⁴² KontraS and ICTJ were assessing the implementation of the transitional justice framework on 13 years of "*reformasi*" (1998-2011). KontraS and ICTJ (2011) p. 12-14.

resolution acknowledged the past human rights abuses and recommended the establishment of “a national truth and reconciliation commission with the task to uphold the truth by disclosing abuses of power and past violations of human rights and initiating reconciliation.”

In addition to that, the parliament amended the constitution, which was also acknowledging the human rights promotion in the Second Amendment of Constitution in 2002.

Furthermore, in this period, the new government released many political prisoners, including more than one million detainees from the 1965/6 mass violence cases, who had been accused of being involved in the PKI. On the other hand, the government has also enacted Law 26/2000 on HRC, as a strategy to avoid the international tribunal, which was proposed by the UN to prosecute the military allegations of human rights violations during the referendum in 1999 in East Timor. Subsequently, this situation led to the creation of a new judicial mechanism, which can deal with special crimes. The law, which was initially passed only to deal with the East Timor 1999 atrocities, has jurisdiction over any gross violations of human rights happened since Indonesia’s independence day. This was actually the outcome of a demand from Islamic parties to include several gross violations of human rights cases perpetrated against the Muslim communities, particularly the Tanjung Priok 1984 cases when the military forces brutally committed extrajudicial executions to hundreds of protesters in Jakarta. At this stage, Indonesia had two formal measures to address the past human rights violation, including through judicial mechanisms.

The second phase of *reformasi* was the period of *compromised mechanisms* (2001-2006). There were two compromised mechanisms for accountability: the human rights courts as an unpredicted outcome of East Timor 1999 atrocities and Tanjung Priok, and the national TRC that had been planned earlier. However, the law on human rights courts contained major weaknesses. The trials are intended to fail, since mostly security forces personnel were unsuccessful in establishing accountability, and all perpetrators were eventually ac-

quitted. Moreover, the trials are lack of the victims participation and did not provide for reparation for the victims.⁴³ Furthermore, in this period, the Constitutional Court revoked the entire TRC law, which was not only challenged by human rights organizations for breaching international human rights standards, but also by some hard line Islamic groups which refused to be accountable for the 1965/6 mass killings.

During a long period from 1976, military operations had been going on in Aceh and producing massive human rights violations. This was settled under the peace agreement between the Indonesian government and the Free Aceh Movement. Law 11/2006 recommended special autonomy for Aceh, including the establishment of a human rights court and a TRC for past abuses in Aceh. As a political compromise to comply with the agreement, the Indonesian government ratified the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2006.

Then, the third phase of *reformasi* was called the *stalled reform* (2007-2011). Although the Komnas HAM continued to conduct credible investigations and recommended formal criminal investigations, no one has been tried in the special human rights court. The Attorney General's Office (AGO), who is responsible for the prosecution process, refused to follow up on the recommendations of Komnas HAM.⁴⁴

The illustration of Jose Zalaquett, in which he describes three types of political constraints confronted by new transitional countries, is useful to understand Indonesia's political transition within the transitional justice framework.⁴⁵ *Firstly*, the political transition is facing a

⁴³ ICTJ (2003)

⁴⁴ All cases were recommended as the crimes against humanity cases: 1). Trisakti Semanggi 1998/9; 2). May 1999; 3). Wasior (2001/2) and Wamena (2003); 4). Student activist enforced disappearances 1997/8; 5). Talangsari 1989 and 6). Crimes Against Humanity 1965/6.

⁴⁵ Zalaquett (1995), pp. 18-19.

situation of unsettled armed conflict or accumulating social, ethnic, politics or religious problems. The transition produced weak governance while facing strong political opposition and armed involvement, which often commit human rights abuses. *Secondly*, the previous regime has lost their legitimacy but still maintains its control of armed forces and the political transition is carried out by a gradual change. In this situation the defeated forces still have significant political access and can bargain with the new actors under their own agenda, including protecting the previous regime's interest. Almost most all of the policies are established by political negotiation. The fulfilment of a human rights agenda takes place in the form of normative and institutional gradual reform, however in some part it has also become a justification for the willingness of the government to comply with the democratisation process.

Under the assessment above, it is clear that the government's political will to implement its human rights policies and enact various regulations depends on political pressure, both domestically and internationally. Therefore, the second typology on the political constraint is the closest explanation to the Indonesia's political transition context. In this type the changes could actually be a 'postponed transitional justice'.⁴⁶ Furthermore, the continuing lack of accountability for these human rights violations, among them a wide range of crimes against humanity during and after the New Order regime has created a culture of impunity in Indonesia.⁴⁷ Impunity is defined as:

*"the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims."*⁴⁸

⁴⁶ Elster (2004), p. 76.

⁴⁷ Meijer (2006)

⁴⁸ Orentlicher UN Doc.E/CN.4/2005/102/Add/1, 8 February 2005.

3. 2. State denial of the mass killings of 1965/6

Stanley Cohen reviews three patterns of official denials which governments maintained in response to state violence accusations.⁴⁹ *First*, the “literal denial” (nothing is happening) is the type of government’s denial for all allegations of human rights abuses. Usually, it applies in an authoritarian regime or repressive regime. The denial can occur when the state controls the civilian freedom of expression and mass media information. *Secondly*, the “interpretive denial,” which literally means, “What is happening is really something else”. This type of denial occurs when the government faces difficulties in maintaining literal denial. Thus, they acknowledge partial facts about the violation, but provide another interpretation about the facts. *Thirdly* is the “implicatory denial,” which acknowledges, “What is happening is justified”. The government who uses excessive power in a state of emergency is usually using this type of denial. This also applies when the government does not deny the facts or the original interpretation of a fact, but justifies it by political rationalization.

Throughout the authoritarian regime, the official version of the G-30-S/PKI (30th September Movement of the Indonesian Communist Party) was written in the textbooks published by the State Secretariat of Indonesia. The book described the background, response and the crushing of the PKI by the Indonesian government.⁵⁰ In brief, it explained that there was an attempted coup, which was systematically planned by the PKI to take over the state on 1 October 1965. The PKI allegedly kidnapped and killed six generals in Lubang Buaya, after torturing some of them. The Gerwani (Indonesian Women’s Movement),⁵¹ one of the biggest women’s political organizations at the time, was accused of being involved in these

⁴⁹ Cohen (2000), p. 102-110.

⁵⁰ Sekretariat Negara RI (1994)

⁵¹ The New Order finally prohibited Gerwani, accused as to have political affiliation to the PKI on 1965. This organization was acknowledged as the first progressive women organization and was initially established to strengthen the political role of Indonesian women in the independence struggle.

killings. Stories about torture, brutality and genital mutilation were circulated widely. Afterwards, the generals became national heroes. Soeharto, a military commander “softly” assumed power from the previous President, Soekarno. Thus, the PKI was dismissed and communism, Marxism and Leninism were prohibited under the Temporary People’s Assembly (MPRS) resolution TAP MPRS XXV/MPRS/1966. This official explanation became part of the school curriculum in the country. In addition, the government produced a propaganda film G-30-S/PKI,⁵² which was showed annually on state television every 30 of September. The government also commemorated the killing annually with an official national day of remembrance and a ceremony at Lubang Buaya, which was named as *Hari Kesaktian Pancasila* (The Day of the Sacredness of Pancasila) on every First of October.

On the other hand, there was no official history followed up after the coup, including about the killings of members of communist party and its affiliated organizations across the country. The governance used the terminology of “clash” instead of mass killings and concluded, “The bloodbath among members of society was directly related to events in the past.”⁵³ The existence of thousands of political prisoners was not recognized publicly. In the early 1980s, New Order regime released 35,000 to 10,000 political prisoners, because of enormous pressure from the international community.⁵⁴ However, they still were recognizable as “Ex *Tapol*” and had their identity cards marked with the symbol of ‘ET’, which means ex- political prisoner. They had an obligation to regularly report to the local military office and were limited in their freedom of association, expression and employment. They and their family members were barred from certain public professions, including to becoming military and police personnel, teachers and religious clerics. While the regime was repressive, there was no alternative source of information regarding the situation. The government took control of the media.

⁵² *Film Penumpasan Pengkhianatan G-30-S/PKI*, 1984.

⁵³ Notosusanto and Saleh (1989)

⁵⁴ Jetschke in Risse, Ropp and Sikkink (1999), p. 140.

Soon after *reformasi*, a lot of alternative information was revealed. Various studies were trying to examine the situation; not just the killings of the generals, but also the mass killing afterwards. Different studies acknowledge the historical account of the events.⁵⁵ Even though there is no official truth in the history as yet, several scholars found that the coup is not really conducted by PKI. Some of the elites of PKI was involved, but not as a policy organization in systematically. Instead, the military (under the lead of General Soeharto) made a scenario to blame the PKI and take over the country from the previous President, Soekarno. Soeharto also received support from western countries (United States, United Kingdom, Australia, Netherlands and many other countries) to conduct a “war against communists” in various different forms.⁵⁶

According to a number of these scientific studies, the 1965/6 mass killings took place across Indonesia, and the number of people killed was estimated as between 500,000 and more than one million, at the hands of military and civilians. These civilians came from various anti-communist political parties and religious groups.⁵⁷ In between 1965-1967, around 600,000-750,000 people who were supposed to be members and supporters of PKI were detained and placed in detention concentration camp without trials⁵⁸ and divided in three categories of detainees.⁵⁹ The victims were largely members of PKI and also their

⁵⁵ Ben Anderson and McVey RT (1971), “*A Preliminary Analysis of the October 1, 1965, Coup in Indonesia, Modern Indonesia Project*”; Olle Tornquist (1984), “*Dilemmas of Third World Communism: The Destruction of PKI in Indonesia*”; Robert Cribb (1990), “*Introduction: Problems in the Historiography of the Killings in Indonesia*,” in Robert Cribb (ed), “*The Indonesian Killings 1965-1966: Studies from Java and Bali*”; Geoffrey Robinson (1995), “*The Dark Side of Paradise. Political Violence in Bali*”; John Roosa (2006), “*Pre-text for Mass Murder: The September 30th Movement and Suharto’s Coup D’etat in Indonesia*,”; Katherine Mc Gregor (2009), “*The Indonesian Killings of 1965/1966*”; Douglas Kammen and Katherine Mc Gregor (2012), “*Contours of Mass Violence in Indonesia 1965-1968*.”

⁵⁶ Simpson (2008), Kammen and Mc Gregor (2012).

⁵⁷ Cribb (1990), p. 1-42

⁵⁸ Fealy (1995), p. 4f.

⁵⁹ Bulletin Tapol (1987); Mc Gregor (2009), p. 5-6.

families, the members of various organizations, which had openly affiliated with the PKI⁶⁰ or just ordinary people who were accused of being supporters or sympathizers of PKI only for attending some socio-cultural events organized by the PKI or its affiliated organizations. Furthermore, the Chinese community was also specifically targeted as victims due to the supposed relationship between the PKI and the Chinese communist regime. The killing was ranked as one of the twentieth century's most extensive mass murders⁶¹ and was seen as a victory over communism at the peak period of the Cold War. Hence, the mass killings of 1965/6 evolved into an established state policy of violence under future governance⁶² and became a significant period in the political history of Indonesia.⁶³

However, the governments after 1998 have made very few changes to acknowledge the truth and provide justice for the 1965/6 mass killings during the *reformasi* era. Although in general, the government still failed to establish accountability to the 1965/6 mass killings, there were some partial measures taken by them. In 1999, the new President Habibie (1998-1999) released all political prisoners, including those who were accused in 1965 of the attempted coup. Habibie's government also enacted Law No. 3/1999 on general elections, which has granted ex-political detainees, including those who were accused of the 1965 case, the right to vote.

During the rule of President Abdurrachman Wahid (Gus Dur, 1999-2001), he initiated policies on revealing the truth of 1965, providing for victims' rights and building reconciliation. The law on TRC was drafted. Furthermore, Wahid enacted Presidential Instruction 1/2000 focusing on the problem of numerous Indonesians abroad who had not been able to return home after the presumed coup in 1965, which aimed to facilitate their return to In-

⁶⁰ BTI (Indonesian Farmer's Union), SOBSI (The Indonesian Workers Union), LEKRA (The Indonesian People Culture Institute), Gerwani (The Indonesian Women Movement) and PR (The People Youth).

⁶¹ Blumenthal, Mc Cormack (2007), pp. 80-81.

⁶² Tornquist (2009), p. 16.

⁶³ Cribb (1995), p. 241.

Indonesia. However, there was no follow up on his instruction. During his presidential period, he was also a long-time leader of one of the biggest Islamic mass organization in Indonesia, NU (*Nahdatul Ulama*, “the awakening of the religious scholar”). In a national television programme in March 2000, he ask apology to the victims and proposed to officially lift the prohibition on communism. He referred to the fact that members of the NU were involved in the killings of alleged communists in 1965. He also encouraged the NU to conduct a process of reconciliation.⁶⁴ Later, senior members of the NU institution rejected Gus Dur’s apology to the victims of 1965.

Meanwhile, the government of President Megawati Soekarnoputri (a daughter of the first President, Soekarno, 2001-2004) attempted to rewrite the history of the 30 September coup and the subsequent violence. The government established a team of historians to publish a book for educational purposes.⁶⁵ Megawati initiated the revision of the curriculum for secondary schools, which removed the terminology PKI from the official name of the September Coup in history books in 2006. However, there was a lot of opposition to her initiative and it wasn’t developed into an official state policy.

Therefore, the official state denial status – even at the national level – about the “truth” mass killing 1965/6 was gradually changed during Indonesia’s political transition history. During New Order era, the government applied “literal denial” of the truth. However, on certain occasions in “reformasi,” the denial was changed to “interpretive denial,” while the government was seeking an alternative but incomprehensive explanation. Furthermore, from the process of the political transition, the framework of transitional justice is not highly integrated in the governance policy.

⁶⁴ Kafil Yamin (2000)

⁶⁵ Abdullah, Abdurrachman and Gunawan (2012)

4. Civil society initiatives in revealing the truth about the mass killings of 1965/6 case

4. 1. Civil society and transitional justice in Indonesia

Several new actors emerged and identified as civil society in Indonesia since the emerge of “*reformasi*” They are victim groups, research institutions, religious institutions, parties, media, communities and civil society organization or NGOs, which were concerned with general human rights issues.⁶⁶ However, in this study, I will more focus on the civil society organization, particularly NGO’s role under the transitional justice framework.

After the mass killing of 1965/6, the civil society was weak. Due to the lack of freedom of expression, assembly and association, the civil society activities were restricted. However, in 1970s, a number of Indonesian NGOs were established and started to exchange information with their international counterparts. This was the context when there was an emerging campaign on the release of political prisoners of the 1965/6 cases.⁶⁷

However, the civil society was not organized very well and mostly work based on the particular segment related with different local problems. The situation was better developed when the state committed massive human rights violations in East Timor, Papua and Aceh. To respond to these massive human rights violations, civil society performed a critical function as watchdog and chose to act as agents of change. The important role of these groups has been discussed since the late 1980’s, during the state oppression and stagnation political process. Even though civil society organizations were working on the ground, discussions and reflection activities rose up and they formulated new forms of political mani-

⁶⁶ Farid, Simarmata, (2004), p. v.

⁶⁷ Jetschke in Risse, Ropp, Sikkink (1999), p. 55.

festation, including dealing with the cases of human rights violation.⁶⁸ Towards the end of New Order, the human rights movement became more diversified and specialised.⁶⁹

In “*reformasi era*” in particular the human rights NGOs grew out in numbers and took principal activity of the legal aid organizations, which was to provide legal services to the underprivileged and marginalized people. However, in the beginning of the period, most of the organizations still refused to build strategic relationships with the government institutions whereas the government had also started to establish a democratic governance system. In addition to this, the distrust between the government and civil society organizations was still ongoing in the new regime.

Furthermore, the NGOs, which are focusing on human rights advocacy, began to multiply immediately just before New Order’s demise.⁷⁰ However, support of human rights work from international NGOs, particularly donor agencies was limited. Few donor agency organizations did not yet decide to sponsor major initiatives to deal “with the past abuses.”⁷¹ The human rights advocacy movement still faces difficult political challenge.⁷²

On 2004, the ICTJ conducted a survey of transitional justice initiatives throughout Indonesia to the non-governmental organization, victims based organization, research and academic institutions and religious groups, which were working on the issue of truth seeking mechanisms, prosecution, legal and institutional reform, reparation, rehabilitation and reconciliation. In brief, all the initiatives were categorized into several activities. Truth seeking mechanisms are consisting of activities of statement and testimonies taking, fact-finding missions, archival research and documentation, public event commemorations and monu-

⁶⁸ Opcit, p. 29.

⁶⁹ Priyono, Adi Prasetyo, Tornquist (2003), p. 509.

⁷⁰ Ibid, p. 508.

⁷¹ Farid and Simarmata (2004), p. vi.

⁷² Opcit, p. 27.

ments, publication and dissemination of information. The initiative to realize prosecution includes activities of legal claim, legal drafting, training of law enforcement personnel, public education and campaign and court monitoring. Furthermore, legal and institutional reform proposal is policy research, monitoring, public education and campaign and technical assistance. In addition the effort to achieve reparation and rehabilitation consist of activities of medical treatment, psychological treatment and trauma counseling, socio-economic activities, legal advocacy and legal drafting of new regulations, which are related with the issue. Finally, the effort to conduct reconciliation includes the initiatives of grass-roots peace building, public education, political lobbying and legal drafting.

As to the particular issue of the effort to reveal the truth or conduct a truth-seeking mechanism, the survey recommended identifying existing campaigns and collecting documents of human rights abuses to improve a coordinated national strategy based on clear strategic objectives and design project to focus the area of human rights violation.⁷³

4. 2. Civil society organizations' initiatives in revealing the truth about the mass killings of 1965/6 through formal mechanism

The formal mechanism acknowledged in the policy in dealing with the past abuse is the establishment of the TRC and the investigation process by Komnas HAM as the first step to establish the ad hoc HRC in this case.

4. 2. 1. Pushing for a Truth and Reconciliation Commission (TRC)

Soon after the *reformasi*, the civil societies proposed the establishment of a TRC and a HRC to address the human rights violations by the previous regime and to establish a transitional justice framework. The role of civil society in the establishment of the TRC mech-

⁷³ Opcit, p. 114.

anism was an active one, particularly in lobbying the authorities to have a legal framework to guarantee the establishment of this mechanism. In a similar way, the discussions were widespread among the civil society organizations, NGOs, human rights scholars and victims' communities with engaging the government at the local and national level in the need to establish this commission as part of the tool to provide justice to the victims. ELSAM (The Institute for Policy Research and Advocacy), a national NGO proposed a draft of the TRC-law which has been discussed at the government and the parliament level between 2000-2004.

During the process, the discussion and debate in criticizing the draft of the TRC-law among civil society were also heated. Some argued that in this policy it is important that victims could deliver their stories and would enhance the justice and national reconciliation process.⁷⁴ On the other hand, others also argued that the government should strengthen the role of the human rights court, as the perpetrators were still part of the government and they could disrupt the democratic transition. The establishment of the TRC would grant impunity for the perpetrators.⁷⁵ Furthermore, victim's communities also highlighted the importance of revealing the truth and providing justice as a first step to conducting reconciliation.⁷⁶ Finally, the government enacted Law No. 27/2004 on the TRC on 6 October 2004.

However, article 29 of the Law stipulated that the TRC had a power to recommend amnesty for perpetrators of serious crimes and any cases under consideration of the TRC could not be prosecuted in the HRC. The other problem of the Law was the provision of the reparation programme that victims would only obtain compensation if the perpetrators of the crimes against them had already received the amnesty. Therefore, the coalition of the NGOs and representatives of victims challenged these provisions by submitting a request

⁷⁴ Elsam (2003).

⁷⁵ KontraS (2003).

⁷⁶ Note, Elsam (2003).

for a judicial review on the TRC-Law to the Constitutional Court because the provisions of the law violated the victims' constitutional right to remedy.⁷⁷

Eventually, in 2006, the Constitutional Court annulled the entire Law because according to the Court, the provisions challenged by the complainants were essential elements of the entire Law. Furthermore, the court provided for the possibility to pass a new regulation or reconciliation effort by political policies on rehabilitation and amnesty.⁷⁸ However, the coalition of the NGOs and representatives of the victims of the human rights violations responded that the verdict should be read that the government has to settle the past human rights abuses with a comprehensive strategy to guarantee the victims' rights on the transitional justice framework.⁷⁹ In this new development, the civil society organizations are still monitoring the process of the establishment of a new law, which currently is being discussed in the Ministry of Law and Human Rights after almost 10 years in absent.

Moreover, in this effort, there were various international NGO's supported the advocacy to the Indonesian NGO's. They are facilitated various conferences, conducted research and participated in the court process as experts.

4. 2. 2. Pushing a pro justicia investigation on mass killings of 1965/6 to the National Human Rights Commission

Based on Articles 19 and 20 of Law No. 26/2000 on the HRC, the *pro-justicia* investigation team of Komnas HAM has a mandate to conduct an inquiry into the incidents allegedly

⁷⁷ The Team of Advocacy of Truth and Justice (Elsam, KontraS, SNB, Imparsial, LBH Jakarta, and YAPHI) in 006/PU-IV/2006 on Judicial Review of the Law 27/2004 on TRC, September 20, 2006.

⁷⁸ The decision of 006/PU-IV/2006 on Judicial Review of the Law 27/2004 on TRC.

⁷⁹ Press release on the coalition of the NGO's and representative of victims of the human rights violation: "*The Verdict of Constitutional Court Affirms State Obligation to Settling the Past Human Rights Abuses*," 8 December 2006.

constituting gross violations of human rights.⁸⁰ The team has strong authority; including calling the witnesses, victims or related parties with the case and gathering the evidence to follow up for further judicial proceeding.

Therefore, the civil society organizations, including national NGOs, KontraS and various victims' organizations urged for the establishment of the *pro-justicia* team on the case of mass killings 1965/6.⁸¹ They were push that the establishment of a *pro-justicia* team will be the follow up of the previous research team on "Alleged human rights violations in Buru Island following the mass killing 1965/6"⁸² as part of the "Report on the Research Team of the Gross Violation of Human Rights by the Soeharto Regime" by Komnas HAM, which had already been conducted between 2002 and 2007. From that report, Komnas HAM concluded that there was an indication that gross violations of human rights took place in Buru Island after 1965/6.⁸³ Komnas HAM eventually established the ad hoc team for *pro-justicia* investigation into human rights violations related to the events of the mass killing in 1965/6 in 2008.

The civil society has intensively and closely been monitoring the process of the implementation of the investigation's team. For example, KontraS, conducted two strategies on pushing the effectiveness of team. *First*, they assisted the team by organizing the victims groups in many regions to provide testimonies, facilitating communication between the team and the victims, providing information, and contributing inputs in each steps of the investiga-

⁸⁰ Under Article 7 the Law No. 26/2000, gross violations of human rights consist of two crimes: crimes of genocide and crimes against humanity

⁸¹ Joint press release: *Forty Years of Mass Killings 1965/6: Push to revealing the truth and providing reparation to the victims*, 1 October 2007; Asian Human Rights Commission (AHRC): *Delegation to Indonesia's National Human Rights Commission urges an end to impunity for the massacres of the past*, 1 October 2007.

⁸² Around 3000 forced labor's victims were forced to work under the arbitrary detention in the camp of Pulau Buru (Buru Island) in Maluku.

⁸³ Joint press release: "1965 Tragedy is not finished, Komnas HAM has the obligation to respond to it," 14 March 2007.

tion. The hearing activities were conducted in a closed environment to avoid attention from fundamentalist and vigilante groups. *Second*, they criticized the team in public, by conducting open meeting, demonstrations with victims and made open statements.⁸⁴ Furthermore, in the effort to raise the common voices of justice, KontraS was involved in the national coalition of KKPK and build the regional and international solidarity, such as with TAPOL,⁸⁵ ICTJ, Amnesty International, AHRC and others.

Since the beginning of the investigation team, KontraS, supported by TAPOL, facilitated the consolidation meetings for 1965/6 victims in 10 regions in Indonesia, one regional meeting in Sulawesi and one national meeting in Jakarta in order to guard the Komnas HAM's *pro-justicia* investigation. The meetings were intended to deliver information on the progress of the investigation to the victims, prepare victims to face *pro-justicia* investigation and develop strategies to advocate the case at the local, regional and national level. KontraS was also assessing the initiatives undertaken by the victims in the regions to build a synergy with national advocacy agenda. In a meeting at the national level, KontraS facilitated the victims to meet the state government and decision makers.⁸⁶

Due to the pressure from the NGOs and victims groups, finally published the report of the Investigation into the Gross Violations of Human Rights on the Event of 1965/6 on July 23rd, 2012.⁸⁷ Komnas HAM concluded several important things in the executive summary of the report. *First*, there is sufficient primary proof to suspect that crimes against humanity

⁸⁴ KontraS, Letter to the Chief of Komnas HAM: *Settlement of the pro justicia investigation of the 1965/6 gross violation of human rights*, 6 July 2011; *Press Release of the 1965/6 victims group: Establish the Human Rights Court and Provide Reparation for Victims*, 6 July 2013;

⁸⁵ TAPOL (*Tahanan Politik*, political prisoner) is the human rights NGO based in the UK. Established in 1973 by Carmel Budiardjo, a political prisoner in Indonesia on the case of mass killing 1965/6 and was actively campaign for release of the tens of thousands of political prisoners remaining in Indonesia following the case and in support of the relatives of the hundreds of thousands who were killed.

⁸⁶ KontraS (2013).

⁸⁷ The Jakarta Post: "*Komnas HAM declares 1965 purge a gross human rights violation*," 23 July 2012.

have taken place in the form of gross violations of human rights. *Second*, the types of acts and patterns of the crimes against humanity that took place in the events of 1965/6 were murders, killings, slavery, forced eviction and illegal transportation of population, arbitrary deprivation of liberty and deprivation of other physical freedoms, torture, rape or other ill-treatments, similar forms of sexual violence, maltreatment (persecution) and enforced disappearances. *Third*, the alleged perpetrators and/or those responsible for events of 1965/6 were identified as individuals, military commanders or members of state institution units.

Furthermore, Komnas HAM also issued a number of recommendations, such as: the general prosecutor of the AGO was requested to follow up the result of this investigation with further judicial inquiry; the result of the investigation can also be resolved by a non-judicial mechanism to fulfil the need for justice of the victims and their relatives, including through the establishment of the TRC.

However, Komnas HAM acknowledged that the investigation process faced various obstacles, because of the wide geographical spread of the event of 1965/6, the limitations of the budget, the length of the events (both in the length of time and the period that have passed since), and the trauma that the victims have experienced.⁸⁸ The other obstacles came from the internal situation that not all the members of Komnas HAM approved the establishment of the investigation team due to various reasons, including being reluctant to face the pressure and political risks. Therefore, the internal mechanism to approve on the particular decision was polarizing. In addition, there were high pressure and intimidation from official and unofficial sources, including threats of violence to the members of the investigation team. Several times, anti-communist groups also protested and demanded the team to be disbanded. For all the threat and intimidation, the police failed to investigate.⁸⁹

The civil society organizations welcomed the Komnas HAM's investigation report as the

⁸⁸ Komnas HAM (2012)

⁸⁹ Stanley Adi Prasetyo, 7 April 2014.

new momentum to reveal the truth of the crimes against humanity of 1965/6 under the transitional justice framework. The civil society organizations called for several follow-up decisions to various authorities to providing response of the recommendation from Komnas HAM, including truth, reparation and accountability. As this case has created special pattern on Indonesia history, various state organization should follow it up , including the President, the AGO, the parliament, and LPSK The Witnesses and Victims Protection Agency) to provide remedies to the victims.⁹⁰ Similarly, to echo the Indonesian civil society's call, Amnesty International also demanded the government responsibility by reminding that effort to give effect to victims' right to the truth about what actually occurred must form a part of a wider framework of accountability in Indonesia.⁹¹ Moreover, TAPOL called on the President to take all necessary measures to follow through these groundbreaking investigations and end the impunity, which has prevailed for so long in Indonesia.⁹²

4. 3. Civil society organizations' initiatives in revealing the truth about the mass killings 1965/6 through informal or unofficial truth mechanisms

Among several obstacles to deal with the comprehensive transitional justice framework in the current impunity situation is that there have been few initiatives from civil society organizations to demand state's responsibility in a broader perspective. One of the efforts is the initiative to build the alternative truth-seeking measure, particularly to raise public awareness about what actually occurred on 1965/6, so that subsequently there is more popular pressure to the state to address this situation.

⁹⁰ Press release of KontraS, AJAR, Elsam, IKOHI, LBH Jakarta, *1965/6 Victims: Report of the Investigation of Komnas HAM on the crimes against humanity 1965/6: A New Momentum Against New Order Correction*, July 25th, 2012.

⁹¹ Amnesty International: *Attorney General must act on Komnas HAM report on 1965/6 violations*, 27 July 2012.

⁹² TAPOL: *Human Rights Commission reveals the truth about 1965/66 crimes against humanity*, August 23rd, 2012

The most common activities of the civil society, particularly victims group are regularly commemorating a number of human rights days related to the past abuses events and to build memorials. Furthermore, various victims' organization in the field is collecting the testimonies, documentation and actively calling for solidarity in regional and national level. Some of them are YPKP 1965 (Research Foundation for Victims of 1965/6), Pakorba (Victims of the New Order Association), LPKP 65 (the Research Institute for Victims of the 1965 Tragedy), LPRKROB (Organization for the Rehabilitation Struggle for New Order Victims), KKP HAM 65 (the 1965 Human Rights Victims Action Committee) and SEKBER 65 (Joint Secretariat for 1965). In addition, victims' communities are also writing down or filming oral history of the victims of the mass killings of 1965/6.

On the other hand, several civil society organizations initiated a local reconciliation between the communities and the perpetrators involved in the field. Syarikat, (Religious Society for Advocacy on Behalf of People) one of the organizations in Yogyakarta conducted regular local reconciliation, while some of the perpetrators was the member of NU. Similarly, JPIT SPAB (Easter Indonesia Women Networks for Women Studies, Religion and Culture), one of women organization in Nusa Tenggara Timur was collected the documentation from the perpetrators, which had affiliated with the churches organization. Their effort to reveal the truth from perpetrators in the field and build a local reconciliation was contributed for the better social life in their community. On the other hand, in the national level, FSAB (Children of the Nation Gathering Forum) is organized a reconciliation in elites actors, facilitated by former Chief of MPR, Taufik Kemas.

The significant contribution also comes from scholars, who are trying to investigate the facts of mass killings of 1965/6. It is very significant for revealing the truth and strengthening the historical claim from the academic's perspective. Furthermore, the victims' groups are also engaging with a high school history teachers' association to write a supplementary

history book for high school students, which includes of several of the facts that were manipulated by state during authoritarian regime.⁹³ In addition, ISSI (the Indonesian Institute of Social History), one of the historian organization is also has been collecting the documentation, which based on the interviews, papers, film and other material.

However, among various efforts from the civil society organizations in revealing the truth and achieving justice, I would like to describe more deeply on the civil society organizations' initiatives with regard informal mechanisms or unofficial truth mechanisms during the term of President of Susilo Bambang Yudhoyono (2004-2014).

4. 3. 1. Local initiative for truth: SKP HAM Palu⁹⁴

SKP HAM Palu (Solidaritas Korban Pelanggaran Hak Asasi Manusia Palu, Solidarity for Human Rights Violation Victims Palu) initiated the effort to acknowledge the mass killing of 1965/6 in Central Sulawesi Province.

The mass killing 1965/6 was still considered as complex problem in the fields, including in Palu. High pressure of the political and social discrimination has been causing the long trauma, both for the victims and the perpetrators. SKP HAM is trying to empower victims, including collecting all the testimonies (around 1,028 testimonies) and providing healings. Therefore, revealing the truth on the events was chosen as the strategy to build the “neighbourhood reconciliation” in achieving the common purpose of justice.⁹⁵

SKP HAM conducted regular meetings with victims at the village level, which they called as “*Diskusi Kampung* (Village Discussion).” They invited the local state officials, tradi-

⁹³ JSKK, JRK, AGSI, and Yayasan Tifa (2009), “*Saatnya Korban Bicara, Menata Derap Merajut Langkah* (The Time for Victims to Speak, Arranging Clattering, Treating Step).”

⁹⁴ Further information: www.skp-ham.org

⁹⁵ Lamasitudju (2012).

tional community leaders, religious leaders, and women and young people to join the discussion of mass killings of 1965/6. In some occasions, they also supported children of the mass killings 1965/6 victims to become the head or leader of their respective villages. The similar strategy was taken at the districts, sub-districts and provincial level. In some of the events, they invited the regents and mayor to be involved in their discussion activities.⁹⁶

SKP HAM also organized several ceremonies to commemorate the human rights memorial days. SKP HAM id managed to invite both the victims and perpetrators of mass killings 1965/6 to give testimonies with public and state officials also attending the event. The success story came after some of the perpetrators made testimonies and eventually offered apologies to the victims, which was acknowledged as the initiative of the community reconciliation in Palu. The Mayor of Palu, Rusdi Mastura himself responded to this initiative and made a speech to deliver an apology on behalf of himself and the local governance.⁹⁷ In addition to this, the Mayor also promised to fulfil the victims' rights through: providing the free health treatment to the victims through the government program of *Jamkesda* (regional health insurance); providing the opportunity of working through the government program of *Padat Karya* (development program by using intensive human resources); providing scholarship for the relatives of the victims; acknowledging 13 forced labour sites as memorial tourism; and exhuming the mass grave in Palu to identify victims of 1965/6.⁹⁸

⁹⁶ Ibid.

⁹⁷ The Mayor comes from the Golkar Party. He is the descendant of Masyumi family, the now defunct Indonesian Muslim Consultative Assembly, which was involved in a bitter battle with the Communist Party in 1960s. He is also the former chairman of the Pancasila Youth, an old organization in Central Sulawesi, which was involved in mass killings 1965/6. The Jakarta Post, "*Rudy Mastura, the Mayor who said sorry for 1965,*" 25 October 2013.

⁹⁸ Nurlaela Lamasitudju, 7 June 2014.

On the other hand, based on the testimonial documentation, which was collected by SKP HAM Palu, LKK (Humanity Creative Institution)⁹⁹ and TAPOL published a book with the title “*Sulawesi Bersaksi*” (Sulawesi Testified), which reveals the survivors testimonies on the mass killings of 1965/6 in Sulawesi. From the testimonies, lots of the survivors’ wishes were simple: only to have the truth revealed.¹⁰⁰ Furthermore, SKP HAM drafted the declaration of Palu as a city of human rights awareness as an input to the Mayor of Palu. Finally, the Ministry of Law and Human Rights and Mayor of Palu announced a campaign of Palu, Kota Sadar HAM (Palu, a City with Human Rights Awareness) on 20 May 2013 to commemorate *Hari Kebangkitan Nasional* (the National Awakening Day). The fulfillment of rights for the victims was one of the key points in the declaration.

To get the formal apology by the Mayor of Palu, SKP HAM has conducted several meetings and lobbies with the local government, although it took long bureaucratic procedures because of the special need of the victims of 1965/6 in accessing the programs. Initially, SKP HAM proposed the policy of the acknowledgment of the mass killing in 1965/6 in Palu and the fulfilment of remedy to the victims. Subsequently, SKP HAM supported by the KKKPK was drafting a Perwali (Mayor’s Regulation) of the Apology and Rehabilitation for 1965/6. They also conducted workshop with the local government officials, scholars, Komnas HAM, Komnas Perempuan (National Commission on Violence Against Women), LPSK and the NGOs to receive inputs on the draft. Nevertheless, there have been various resistances from the local bureaucracy officials on the content of the draft.¹⁰¹

⁹⁹ The organization established by Putu Oka, the poet, writer, former journalist and practitioner who was imprisoned without trial due to his membership in *Lekra*.

¹⁰⁰ The Jakarta Post, *Sulawesi Testified: Reveals Rare Perspective on 1965 Massacre*, 17 October 2013.

¹⁰¹ Lamasitudju (2014).

4. 3. 2. National initiative for truth: KKPK¹⁰²

Another initiative from civil society organizations in Indonesia, specifically with regard to unofficial truth initiatives was a series of activities called “the Year of Truth (*Tahun Kebenaran*)” which was conducted by the KKPK (*Koalisi Keadilan dan Pengungkapan Kebenaran*, Indonesian Coalition for Justice and Revelation of Truth) the KKPK- and its members.

The coalition was established in 2008¹⁰³ and currently has members of 47 national and local NGOs, victims’ organizations as well as human rights activists in Indonesia,¹⁰⁴ which have concerns with regard to the issue of human rights and impunity in Indonesia.

The initiatives on the establishment of the coalition emerged during the joint advocacy of the NGOs on the new law of TRC, after the Constitutional Court revoked it in 2006, and also in advocating the *ad hoc* human rights court of East Timor in 2000 and the establishment of the Commission of Truth and Friendship Indonesia-East Timor in 2005. Furthermore, the coalition were also advocating the process on state accountability policy in Aceh after the 2005 Helsinki peace process. KPK Aceh (The Coalition of Revealing the Truth in Aceh) submitted the proposal on the integration of the implementation of the existing *ad hoc* Human Rights Court and the TRC in Aceh to the government in 2007. Therefore, they were focussing on the issue of revealing truth initiatives.

¹⁰² Further information at www.kkpk.org.

¹⁰³ In the establishment, all active members of KKPK were NGOs and had been actively advocating the past abuses problem in Indonesia under various initiatives. Some of them were KontraS, Elsam, IKOHI, PEC, Syarikat, YAPHI Solo, and one of the international NGO, ICTJ (which later transformed to AJAR).

¹⁰⁴ The NGOs are working on the issue of civil and political rights as well as on the issue of economic, social and cultural rights.

However, in their internal meeting in 2010, based on the civil society's advocacy reflection, they formulated the new strategy. The coalition should have a long-term goal in addressing impunity, which will also be achieving justice. The indicators of achieving justice will also include the process of revealing the truth and also of providing reparation for victims of human rights violations. The judiciary process and truth initiatives should be complementary. However, based on the current political situation, revealing the truth should be addressed as the first step for achieving justice for victims. In the broader context, justice is placed as the social transformation purpose.¹⁰⁵ The strategy was also building a better collaboration at local (grass roots) level and national level. Later, KKPK developed a strategy that addressing the massive impunity should also reflect the violations of and the lack of fulfilment of economic, social and culture rights.¹⁰⁶

The case of mass killing on 1965/6 was acknowledged as an important case, and it also became a source of on-going violence and produced new violence. The case was shown as the symbol of impunity, which occurred in almost all the regions in the country. However, KKPK is also dealing with the current human rights violation as an on- going violence and the impunity from past violation.

As an alliance, the KKPK has regular meetings for building strategy and evaluate on the advocacy of past abuses cases. KKPK has also synergizing the planning and works among their members. KKPK decided to conduct the alternative unofficial truth seeking mechanism by conducting "A Year of Truth," between December 2012 and December 2013. The initiative came from the common consensus and long term dialogue among civil society organizations (NGOs, victims groups, scholars and others), which acknowledged that the past abuses have been unsolved up till now and are even emerging as an on-going conflict and lack of effective remedy in the accountability process. However, revealing the truth is very significant to dig up the real problem and supporting the realization of the state ac-

¹⁰⁵ Kamala Chandrakirana, 14 May 2014.

¹⁰⁶ Galuh Wandita, 14 April 2014.

countability. In particular for victims, the fulfilment of the right to the truth is a part of the remedy to impulse the sense of closure. The momentum of the general elections is important to remind again that the impunity in Indonesia is still an on-going problem. Therefore, revealing of the truth initiatives is also important to build a new dialogue as a national consensus and build a non-recurrence mechanism for past abuses.¹⁰⁷

During a year of activities, the regional hearings of unofficial truth seeking were conducted in Central Java, Eastern Nusa Tenggara, Central Sulawesi, Aceh and Papua in providing a space for victims to speak out and give testimonies. Since the human rights violations of the mass killings 1965/6 were widespread, victims of this case mostly participated in the regional hearings. The hearings were following the reflection of *Majelis Warga* (Citizen Council), who will respond to it with “the truth moral voice”: strengthening victims to demand their constitutional rights; spreading the public awareness on the cases of past human rights abuses in the context of the nation’s history and to pressure the state to establish state policy for a settlement of past human rights abuses, including an official mechanism for revealing and acknowledging the truth. As part of these activities, the alliance has been collecting the documentation, organized the Cultural Week Festival, a road show to the universities, and hearings with the state agencies during a year. Public participation is engaged in various event conducted.¹⁰⁸

The significant momentum of this initiative in revealing unofficial truth was the organization of the national hearing of “the Year of Truth”. The event had a sub-title of “*Bicara Benar: Memutus Lingkar Kekerasan*” (Speaking the Truth, Breaking the Circle of the Violence) in November 2013. The alliance invited 30 victims of human rights violations from provinces across Indonesia to step forward to share their experiences with their fellow Indonesians. They testified in front of a “Citizens’ Council”, a committee of 22 prominent national figures who acknowledged that the recognition of Indonesia’s violent history was

¹⁰⁷ Further information: www.kkpk.org/tahun-kebenaran/

¹⁰⁸ Dodi Yuniar, 14 April 2014.

the keystone for the nation's transition to democracy. The representative attended the hearings came from state officials, including Komnas HAM, Komnas Perempuan, Ministry of Social, Ministry from Law and Human Rights Department, Ministry of Health and the Parliaments. The hearings is also conducted in live streaming and engage with media. Victims touched upon subjects at the core of Indonesia's crimes against humanity, including violence against women, religious conflicts, conflicts over natural resources, military operations, and the rigid climate of impunity. The victims of mass killings 1965/6 participated on various themes of the hearings.¹⁰⁹

After hearings for 5 days and scrutinizing the victims and survivor's stories, the Citizen Council made conclusions that all of their experiences were the humanity modal to continuing in establishing a fair and humane nation. Victims are having strength and courage to face their dark past. However, the culture of impunity remains a legacy of the past. Therefore, support from civil society organizations is essential. Nevertheless, the most important factor, which is still absent, is the political will from the state, including its security sector during its transitional reform. The KKPK recommended that the government admit human rights violations did occur, and to apologize to the victims. The hearing is also recommended that in the coming new government, truth and justice should be used as a value and legal foundations of the nation.¹¹⁰

Furthermore, the KKPK will publish their collection of the documentation of human rights violations in Indonesia and report on "the Year of Truth" in October 2014. This document will become the advocacy tool in revealing the truth and urging state accountability on the human rights violations in Indonesia.¹¹¹

¹⁰⁹ KKPK, Press Release: *Victims of Indonesia Human Rights Abuses to Testify in Public Hearings in Jakarta*, 28 November 2013.

¹¹⁰ KKPK, Press Release: *The Final Resolution of Citizen Council, The Genuine Reform should Implemented in all stages of the governance*, 29 November 2013.

¹¹¹ Dodi Yuniar, 14 April 2014.

4. 3. 3. International initiative for truth: The Act of Killing¹¹²

Another initiative by civil society group, which had an encouraging worldwide response, was the publicity on the documentary film “The Act of Killing” (TAoK) directed by Joshua Oppenheimer and his anonymous team members in 2012. The director, Oppenheimer is an American who initially produced a film about plantation workers and story of their family being the victims of mass killings of 1965/6 in Medan, North Sumatra. The other film crewmembers are professional filmmakers from Indonesia. The team was mostly Indonesian nationals, but chose to be anonymous because they realized that there could be a harmful risk or reprisals toward their security.

Unlike other similar documentary films about the mass killing of 1965/6, which usually emphasised on the victims’ story, TAoK is focusing on the testimonies by the perpetrators of the mass killing in 1965/6 in Medan, North Sumatra Province. TAoK was made based on the story of former killers who later on have led in a relatively successful life because of their role in the 1965/6 atrocities. The film was made to reenact the perpetrators’ action in torturing and murdering their victims. The feeling of not being guilty of the perpetrators seemed to be caused by the persistent culture of impunity and the fact that many perpetrators are still active in some strategic position in current Indonesia’s political system. Therefore, TAoK is showing the banality within the society, lack of law enforcement and impunity in Indonesia.¹¹³

The directors closely cooperated and built strategies with the civil society in Indonesia prior to the final production of the film. Oppenheimer had met human rights activists, filmmakers, journalists, members of Komnas HAM and various experts, including historian and legal experts, years before the launch of the film discussing the possibility of the nation-wide distribution and screening and the security of the Indonesian crews. Initially,

¹¹² Further information www.theactofkilling.com

¹¹³ Summary on the Synopsis of TAoK

before the publicity of the film, the TAoK team screened the film to limited audience in Jakarta and built the strategy to disseminate the film. It was agreed that the publicity in Indonesia should be limited at the grass root communities, locally and less publicity using the guerrilla-screening tactic, because of the possible high risk of reprisal. Furthermore, in some areas, there are several anti-communist group organizations that always act against this kind of issue. However, Tempo Magazine, a well-known Indonesian national magazine published a special report on the mass killings of 1965/6 in the title of “Requiem on Massacre”, in October 2012. The coverage of the magazine also focused the perspective of the perpetrators, mirroring the approach of TAoK film. The nation wide publicity of this film in Indonesia was started on the International Human Rights Day, 10 December 2012, to ensure the film, and the discussions it sparks, would add momentum to demands for accountability for human rights violations. The other strategy taken by TAoK’s team was not to register the documentary film into the Censorship Film Institution in Indonesia,¹¹⁴ because there would be a risk that the film would be prohibited which, in turn, would be an excuse for violent vigilante action (by paramilitaries and the military, for instance) against screenings. Later, the further strategy was uploaded the film at the YouTube in September 2013 for free access from Indonesia to engage more people in Indonesia in understanding the truth about the mass killings in 1965/6. The film has screened thousands of times in Indonesia, and is available there online, where it has been viewed or downloaded millions of times. This has helped catalyze a transformation in how Indonesia understands its past.

115

On the other hand, this documentary film was screened worldwide. The first screening was in Toronto, Canada, in August 2012 at the Toronto International Film Festival, one of prestigious international film festivals. Subsequently, the film was screened in various countries attracting also media coverage. In addition, the film received international prestigious recognition, including awards and distinctions. TAoK was nominated for the 2014 Acade-

¹¹⁴ All films from abroad should receive a permit after being scrutinized by that institution.

¹¹⁵ Joshua Oppenheimer, 10 July 2014.

my Award for Best Documentary Feature and received 9 awards, including BAFTA and Asia Pasific Screen Award e film also received several Festival Awards, Critics Awards and nominations in various festivals.

The worldwide recognition and publicity of the film exposed the entrenched culture of impunity for 1965/6 to the international community. Since the film is merely a portrait one of bigger violations among enormous and systematic mass killing of 1965/6 in Indonesia, many people in the audience observed what actually happened in the past and questioned the truth of the occasion. Furthermore, some viewers expected that a successful striving for justice could establish the balance of power, enhance the judiciary system through a tribunal, reparation and formal apologies. In this area, the role of the directors and the team is significant to contribute to the truth revealing in Indonesia. In his speech, Oppenheimer always reminded the audience that the film reflected the situation of 1965/6 in which the people still face prolonged violence recently due to lack of the state correction on the history.¹¹⁶

Revealing the truth initiative on this case also disclosed the hidden story behind it namely that some of western countries supported Soeharto against the emerging communism in Indonesia in the context of the Cold War and that they were also accomplices in the mass killings of 1965/6. As part of the screenings, there were some interactive discussions to involve the film audience in the issue of the mass killings in 1965/6. International human rights NGOs or academics in several countries initiated the discussions.¹¹⁷ Furthermore a campaign was also carried out to urge for an apology and accountability on this case in Indonesia, such as the campaign of “Say Sorry For 65”.¹¹⁸

¹¹⁶ Statement of the Director in T AoK website.

¹¹⁷ For example, the public discussion conducted by Amnesty International in the Netherland, Watch Indonesia in Germany, TAPOL in the United Kingdom, ETAN in the USA, or various universities in the USA, UK, Australia and others.

¹¹⁸ Campaign of TAPOL and ETAN

After screenings internationally, the publicity and following the discussion in Indonesia has been widespread and open to the public. However, the response from society, scholars and the state government officials was influencing the discourse of the importance of revealing the truth on the mass killing of 1965/6 in the democratic transition in Indonesia.

In Melbourne and Jakarta, various actors including scholars, historian, and human rights activist conducted the online discussion in title “What Next After The Act of Killing: Historical Justice and the 1965-66 Mass Killings in Indonesia?” The director of T AoK was also invited and joins in the discussion.¹¹⁹

Asvi Warman Adam, the historian stated that the stigma of the past was among the leftists and debates on the past continue. However, a new phenomenon developed that perpetrators are giving testimonies as can be seen in the movie *The Act of Killing*. On the other hand, the freedom of the press enjoyed by Indonesians during this era of reform has had a positive influence on the historical revelation of various issues that were suppressed in the past.¹²⁰

In addition, at the end of August 2014, Joshua Oppenheimer will screen “The Look of Silence,” a companion piece to T AoK in the Toronto International Film Festival. The film is about a family who, after viewing the film of T AoK discovered and confronted the former militiamen who murdered their son in the event of 1965/6.¹²¹ This initiative will provide another view of truth seeking on the survivor’s side.

¹¹⁹ The Jakarta Post, *What next after The Act of Killing?* 30 September 2013

¹²⁰ The Jakarta Post, *Fifteen Years Against New Order Stigmatization*, 4 January 2013.

¹²¹ The Jakarta Post: *Joshua Oppenheimer, Facing the Monster in the Dark*, 30 March 2014.

5. State responses to civil society initiatives aimed at revealing truth of mass killings 1965/6

I will focus on the situation during the administration of President Susilo Bambang Yudhoyono (SBY) (2004-2009 and 2009-2014). His presidential term will end in October 2014.

In SBY's first presidential term, he provided a set of vision; mission and program for governance's reform agenda. However, among those programs, there are no specific issue on addressing Indonesia history of human rights abuses.

5. 1. In responding to truth initiatives policy from civil society

During both of President SBY's terms, there has been no progressive development in the establishment of the Law of the TRC after it was annulled in 2006. On paper, the establishment of the Law on a TRC as a tool to deal with past abuses was also a mandate from the Presidential Degree No. 40/2004 on the RANHAM (National Action Plan of Human Rights) 2004-2009. However, it was not included again in the Presidential Degree No. 23/2011 on the RANHAM 2011-2014. In 2011, the Prolegnas of the parliament (National Legislation Program) stated that the Law on a TRC should be discussed and debated during the period, but it was not cited in the further Prolegnas of the following years.

However, in the beginning of his second term, SBY seemed to show increasing awareness of the need to settle past gross human rights violations cases. On 26 March 2008 – ten years in to the *reformasi* period and the 10th anniversary of the founding of KontraS, President SBY invited KontraS and several victims of past human rights violations to the Presidential Palace. 10 victims and family of the victims attended the meeting where they directly demanded accountability for what happened to them. Previously, the victims' communi-

ty had been consistent in demanding justice by holding the “*Aksi Kamisan*” (Thursday Virgil)¹²² since January 2007 (up to now). With regards to the issue of past abuses, the President promised to follow up the recommendation to his cabinet members, including the Attorney General, the Chief of the Indonesian National Police, the Minister of Justice and Human Rights, and other relevant state agencies to discuss the resolution of the cases.¹²³ Since the meeting with the President, KontraS has actively engaged with personal advisors of the President, including the Expert Staff in Legal and Human Rights Affair, Denny Indrayana.

Based on that engagement, further on the President invited Ifdhal Kasim (The Chairman of Komnas HAM (2007-2012) and Usman Hamid (The Coordinator of KontraS) and discussed the strategic approach to dealing with various human rights violation in the past on 28 July 2010. However, in that meeting, The President stated that:

“I think I can do something for the case in 1998, such as Trisakti, May and even the Student Disappearances (in 1997/8). I believe the military institution would not refuse it. Even if it the Human Rights Court will be established, and will bring Prabowo¹²⁴ to justice or it will be (a court) for Muchdi PR¹²⁵ in Munir’s case. I do

¹²² *Aksi Kamisan* (the Thursday Virgil) is a regular silent peace demonstration in front of the Presidential Palace every Thursday, between 4 and 5 pm. It was initiated by some the victims of past human rights violations. Initially they demanded justice for all of the past abuse cases, but now they also support demands for justice for ongoing violations taking place in the country. As part of the silent demonstration, they also sent a letter every week to the President reiterating their demands. Since the vigils started on 17 January 2007 up to 17 July 2014 (and it is still on-going) they have been standing and sent 360 letters to the President. Due to the support from other group in different regions, the initiative of *Aksi Kamisan* is also adopted in Bandung (West Java Province) Yogyakarta and Riau.

¹²³ KontraS (2008).

¹²⁴ Prabowo was a commander of the Kopassus (Special Forces of Indonesia Army), 1995-1998. Later he was dismissed due to his involvement in the case of the disappearances of student activists 1998. However, he

not mind at all to enact the Presidential Degree (for ad hoc Human Rights Court)... However, for the mass killings of 1965/6 cases, to be honest, I frankly do not want to be seen challenging my former “mentor”. Do you know what I mean?”¹²⁶

The statement indicated that for specific issue on mass killing 1965/6, the President would not do anything to address it. He is the son in law of Sarwo Edhie Wibowo, the Commander of RPKAD (Army Para Commando Regiment), who was in charge of many military operations to “cleanse” the country of the communist members and supporters. This made him as one of the most important actors in mass killing of 1965/6. He also confessed on deathbed that he was responsible in the killing of around 3 million people.¹²⁷

Furthermore, through the President personal advisor on legal and human rights affairs, Denny Indrayana, he received the recommendation from KontraS (later on, KKKPK added some materials for the recommendations) on the proposal of the strategic approach for the President to settle the past human rights abuses. The recommendations in the proposal *Kebijakan Presiden untuk Keadilan bagi Korban Kasus HAM Masa Lalu* (Presidential Policy for Justice for the Past Human Rights Abuse Victims), are:

- 1) To establish a Presidential Committee for Justice and Fulfilment of Victims Rights. The committee would be has mandated to reveal the truth based on the *pro-*

refused to become a witness during *pro-justicia* investigation. Subsequently, he was running for the Deputy Presidential candidate (in the 2009 election) and the Presidential candidate (in the 2014 election).

¹²⁵ Muchdi was a commander of the Kopassus, 1998, who was accused being involved in the disappearance of student activists 1998, but he was never brought to justice court. He became a Deputy V of the BIN (State Intelligent Body) and was suspected as one of the masterminds in the killing of Munir, a prominent human rights defender in Indonesia, who was killed by poison in 2004. In 2008 the South Jakarta District Court acquitted him in the murder cases. There are many critics say that the judiciary was intimidated and manipulated during the legal proceedings.

¹²⁶ Usman Hamid, 3 August 2014; Note August 2010.

¹²⁷ Tempo Magazine (November 2011).

justicia investigation by Komnas HAM; strengthening the accountability process; to guarantee the non-recurrence of past abuses by removing all discriminatory policies and regulations.

2) To conduct the official statement to apology in acknowledging the past human rights abuses.

3) To provide restorative justice for victims, including the urgent need for victims such as medical treatment and psychological support.¹²⁸

On the special issue of apology, the President promised to issue a public statement on 17 August 2010, in his annual speech to mark Indonesian Independence Day. However, no apology has yet been made.

As a follow up meeting, in May 2011 the President conducted another meeting with Komnas HAM to discuss the acceleration of solution for past human rights abuses case. Subsequently, the President established the teams to settle the gross violation of human rights under the supervision of the Coordinating Ministry of Politics, Legal and Human Rights. The Ministry then established an inter-departmental team to implement the policy. In 2011, the President also appointed Denny Indrayana to become the Deputy Minister in the Ministry of Human Rights. On the other hand, the President appointed Albert Hasibuan as the President's Advisory Council Member for Law and Human Rights Affair.¹²⁹ Denny Indrayana emphasized that he had been given a special mandate from the President to deal

¹²⁸ The final written proposal for President was submitted to the staff of legal and human rights affairs, Denny Indrayana on 18 August 2012. Later, this proposal was also submitted to the Presidential Advisory Council, Albert Hasibuan, November 2012.

¹²⁹ Albert Hasibuan is a former Commissioner of Komnas HAM and involved in several human rights inquiry team to investigate allegation of gross violation of human rights, including the 1999 East Timor Atrocities team.

with the settlement of the cases of past abuse.¹³⁰ Similarly, Albert Hasibuan stated that the President has a commitment on this issue. The President told him that:

“History burden in the society of Indonesia have to be terminated, so the Indonesia’s future will be brighter.”¹³¹

Furthermore, Albert Hasibuan was also assigned to formulate a national apology for past human rights abuses, including to victims of the 1965/6 mass killings. During this process he invited various stakeholders, including human rights activists, scholars, victims of past abuses and experts to discuss on the implementation. Albert Hasibuan stated that this policy would be a positive step for the President towards creating a strong human rights legacy after he leave office.¹³² The appointment of these two persons initially raised hope among the human rights’ community in the country considering their integrity and past experiences in human rights field.

In another major development, in July 2012 Komnas HAM released the findings of a three years investigation in to the 1965/6 mass killings, in which it alleged that gross human rights violations, which may amount to crimes against humanity, were committed. Among recommendations made by Komnas HAM was a call for the government to issue an official apology for the events of 1965/6. However, the report was met with negative responses, in particular by NU, one of the biggest Islamic mass organizations in Indonesia, elites from the Golkar party, and the biggest political party during authoritarian regime. Both organizations strongly rejected Komnas HAM’s findings and recommendations. They stated that they justified their action because the PKI was also guilty and could demolish the nation

¹³⁰ Notes, KontraS and the Deputy Ministry of Law and Human Rights, 4 January 2012.

¹³¹ Albert Hasibuan, 14 May 2014

¹³² Ibid.

and Komnas HAM should blame the Communist party for being the main actor-conducting coup against the existing government.¹³³

In responding the Komnas HAM's summary report on the mass killing of 1965/6 case, the President only gave a normative response to the allegation of crimes against humanity in 1965/6. He said that he would instruct the Attorney General to study the report and guaranteed that the case should be solved by good, fair, factual, smart and constructive way.¹³⁴ Although Komnas HAM as a state institution published the findings of its investigation, other state agencies immediately undermined it. Strong refusal, for instance, came from the Coordinating Minister of Political, Legal and Security Affairs Djoko Suyanto, stating that the mass killings, which were state-sponsored action according to the Commission's finding, were justified to save the country from the communist' threat. He asked President not to make an official apology for the atrocity, arguing that the killings should be seen in a unique historical context.¹³⁵ Similarly, the Commander of TNI (the Indonesian Military Forces) Comr. Adm. Agus Suhartono shared Djoko's position, saying that the TNI would not deliver any apology.¹³⁶

Separately, as predicted earlier, the AGO refused to follow up the investigation of Komnas HAM because the evidences gathered by them were considered insufficient to justify an official legal investigation.¹³⁷ This argument is actually a "common" reason from the AGO to respond to any investigation reports, including 6 cases of crimes against humanity by the

¹³³ Kompas, *Nahdatul Ulama Refused Apology to the Victims of 1965*, 15 August 2012; Tempo, *SBY Asked to Don't Apologize to Victims*, 5 August 2012.

¹³⁴ Berita Satu, *President Instruct the AGO to scrutinize the finding of Komnas HAM*, 26 July 2012.

¹³⁵ Jakarta Post, *Government Denies 1965 Rights Abuses Happened*, 2 October 2012.

¹³⁶ Jakarta Post, *1965 Mass Killing Justified: 1 October 2012. Minister*, Jakarta Post, *Government Denies 1965 Rights Abuses Happened*, 2 October 2012.

¹³⁷ The Jakarta Globe, *AGO Rejects Komnas HAM Report on 1965 Massacre*, 10 November 2012.

Komnas HAM. It is also shows that Komnas HAM gained limited support and cooperation from the government to implement its function.¹³⁸

However, it is actually the duty of the AGO to conduct the further investigation and to collect evidences based on Law 26/2000 on HRC. On February 2014, the current Commissioners of Komnas HAM (2012-2017) submitted a letter requesting a meeting with the President, but he did not respond it.¹³⁹ It seemed the progress of accountability of the mass killing of 1965/6 case went back to the lowest level again.

However, Komnas HAM's recommendations in urging the government to initiate prosecution were heard and echoed by those at the international level. In particular, the UN Human Rights Committee, a monitoring body of the ICCPR, urged the Indonesian government, as a matter of urgency, to address the impasse between Komnas HAM and the AGO in dealing with cases of past human rights abuses.¹⁴⁰ There were also strong recommendations from the international community during Indonesia's second review under the Universal Periodic Review (UPR) at the UN Human Rights Council. Member states recommended that the government of Indonesia combat impunity and take any measure to ensure the process of accountability of past abuses.¹⁴¹ However, there is no information on the progress by the government in implementing these recommendations.

On the other hand, there was another initiative from another independent human rights commission, Komnas Perempuan aimed at revealing the truth of the 1965/6 mass killings and it also become another "official document of truth" in this case. Komnas Perempuan collected testimonies and documentation from a number of female victims during that time. The report, entitled "*Kejahatan Terhadap Kemanusiaan Berbasis Gender: Mendengarkan*

¹³⁸ Komnas HAM report to the UN Human Rights Committee (2013), p. 3.

¹³⁹ Roichatul Aswidah, 21 April 2014.

¹⁴⁰ Human Rights Committee CCPR/C/IDN/CO/1 (2013).

¹⁴¹ Universal Periodic Review, A/HRC/21/7 (2012).

Suara Korban Peristiwa 1965 (Gender Based Crimes Against Humanity: Listening the Voices of Women Survivors of 1965) recommended that the President and other state institutions take steps to reveal the truth, and provide an effective remedy for the victims, including special reparation measures for female victims. Nevertheless, no progress is taken by the government to implement the recommendations.

5. 2. In responding unofficial to truth initiatives from civil society

In other specific initiatives from the civil society organizations in conducting unofficial initiatives aimed at uncovering the truth about mass killing of 1965/6, the state responding with different views.

In January 2014 Rusdi Mastura the Mayor of Palu, in Central Sulawesi Province made a speech to deliver an apology on behalf of himself and the local government. This was the first local official apology from the regional governance administration in Indonesia for the victims of mass killing 1965/6. At last, the Mayor of Palu was also enacted Perwali (Mayor Regulation) No. 25/2013 on the RANHAM Daerah (National Plan on Human Rights in the Region).

This regulation is part of the policy under the RANHAM 2010-2014. The content of the regulation is also consisting of general issue of human rights and not specific stating the case and the victims of mass killings 1965/6, but has merely three articles, which specifically regulate the fulfilment of the remedy for the victims.¹⁴²

However, this regulation is important because this is a formal acknowledgment of the mass killing 1965/6 cases in Palu and it recognizes the existence of the victims of 1965/6 case. This regulation will become a foundation of the local government to fulfil the rights of the

¹⁴² Lamasitudju (2014).

1965/6 victims. Most importantly, this regulation could encourage other local state institutions to conduct the policy of revealing the truth on the 1965/6 mass killings in their region and develop their own local policies to fulfil victims' right to an effective remedy for the harm they have suffered.¹⁴³

At the national level, beside of the respond for the “circle” of the President, the Chairman of the MPR (People Consultative Assembly), Sidarto Danusubroto was also responding the initiatives of KKPK in December 2013, which previously also had a meeting with the previous Chairman of MPR, Taufik Kemas, in February 2013.¹⁴⁴ During the meeting, the KKPK submitted the initial report of the activities of “the Year of Truth” and urged him to take initiatives to establish a policy to settle the comprehensive strategy in dealing with the cases of gross violations of human rights. The Chairman of the MPR promised to take that initiative and submitted it to the President.

On the other hand, the release in 2012 of the film of *The Act of Killing* had a significant impact on the campaign for accountability for the mass killing of 1965/6. In response to the film, Komnas HAM stated that:

“If we are to transform Indonesia into the democracy it claims to be, citizens must recognize the terror and repression on which our contemporary history has been built. No film, or any other work of art for that matter, has done this more effectively than The Act of Killing. [It] is essential viewing for us all.”¹⁴⁵

However, state officials were highly critical of the film, in particular because its release came soon after the publication of the Komnas HAM investigation, at a time when public discourse on the mass killings was widespread. The Coordinating Minister of Political, Le-

¹⁴³ Nurlaela Lamasitudju, 2 July 2014.

¹⁴⁴ Dodi Yuniar, 14 April 2014.

¹⁴⁵ Reaction of Komnas HAM in TAoK website.

gal and Security Affairs, Djoko Suyanto stated that if the mass killings didn't happen, Indonesia would not be the country it is today.¹⁴⁶ Similarly, Teuku Faizasyah, the presidential spokesman for foreign affairs said that the film was out of date, and asserted that Indonesia had gone through a process of reformation.¹⁴⁷

When the film was nominated for an Academy Award, right afterwards the Indonesian president finally made an official statement (even though the President's office claimed that he had not seen the film). The President's spokesman acknowledged that the 1965 genocide was a crime against humanity, and that Indonesia needs reconciliation, but in its own time. These remarks represented a U-turn by the government: until then, it had maintained that the killings were something to be celebrated: heroic and glorious.¹⁴⁸

5. 3. Reaffirming the state denial on the truth of mass killings of 1965/6

From the description above, it is clear that up to the end of SBY's Presidency, there has been no significant impact on the state's formal mechanism in dealing with the past, including the mass killing of 1965/6 case. SBY's term – and his administration – will end in October 2014, however there is strong demand from civil society for him to use his remaining time in office to leave legacy, which contributes, to fulfilment of victims' rights. Unfortunately, there is no guarantee that he will take any initiative to fulfil his promise and it depends only on his political will.¹⁴⁹

Indonesia is developing its position in the regional and international arena. The democratization and its economic growth have given the country a bigger reputation in regional and global affairs. The country is becoming a significant actor, which could influence the polit-

¹⁴⁶ The Diplomat, *Beyond the Killing: Indonesia and the Price of Unity*, 24 August 2013.

¹⁴⁷ The Jakarta Globe: *Indonesia reacts on "The Act of Killing" Academy Nomination*, 23 January 2014.

¹⁴⁸ Joshua Oppenheimer, 10 July 2014.

¹⁴⁹ Albert Hasibuan, 14 March 2014.

ical impact globally. Based on the size, strategic location, growth economic potential and procedural democratic process, the international community recognized Indonesia as the most democratic country in Asia.¹⁵⁰ Indonesia is also active in the various international forums aimed at strengthening world economy, through its membership in the members of major economics G20 (Group of twenty) or to strengthening the human rights promotion in Southeast Asia, in particular as the initiator of the establishment of the ASEAN Intergovernmental Commission of Human Rights (AICHR). In fact, Indonesia is showing a good image internationally. Therefore, there is no strong demand from international community to settle with the past atrocities. The recommendation from the various UN mechanisms to hold to account those responsible for past atrocities and combat impunity might easily be ignored with few repercussions for the government.

In this stage, the governance adopted the “implicatory denial,” of mass killings 1965/6. Since Komnas HAM already released the investigation report, the state does not deny that crimes against humanity occurred in 1965/6, but it justifies these crimes because – it argues – the PKI conducted a violation to the people prior to the 1965 coup. Recently, based on the state response, it is justified by political rationalization that the situation was similar to a war condition: we have to kill others or they will kill us.

¹⁵⁰ Lowy Institute Analysis For International Policy, (2014).

6. Analysis on the civil society initiatives in calling for truth about mass killing of 1965/6 under the transitional justice framework in Indonesia

The pressure to deal with the past makes it increasingly problematic for countries in democratic transition to ignore the past.¹⁵¹ NGOs and other civil organizations in Indonesia undertake a range of activities in advocate the mass killings of 1965/6, including advocacy, collecting documentation; facilitating meetings between victims and state agencies; service delivery intervention; pushing for the acknowledgement of past crimes; conducting research and education; facilitated the reconciliation in the local and national context and collaborating with various civil society in local, national and international arenas. These activities are similar with other NGOs in the world in dealing with the transitional justice framework, as described by David Backer.¹⁵² This is also acknowledged by Komnas HAM, which recognized that, the role of civil societies, including NGOs and victims' groups were very supportive of the process of investigation into mass killing 1965/6. NGOs role to facilitate victims becoming witnesses, lobbying and criticizing through media were considered as strengthening the function of the Komnas HAM's investigation process.¹⁵³

Prolong impunity is strengthening the state denial in the country. Furthermore, people in Indonesia generally do not give sufficient attention on the issue of past abuse. On the other hand, victims of past violations are also getting old (even most of them are already dead) and are pessimistic about opportunities for truth and justice. Therefore, during "*reformasi*" era, the civil society is regularly enhancing their strategy on both aspects.

Firstly, the strategy to enhance their self to advocate the past abuses case, including the mass killing of 1965/6. The current the situation reflected by the KKPK shows that after

¹⁵¹ Arenhovel (2008), p. 583.

¹⁵² Backer (2010), p. 304-305

¹⁵³ Stanley Adi Prasetyo, 7 April 2014.

more than 16 years of “reformasi”, generally, civil society is still in a weak position to push the transitional justice framework for past abuses in Indonesia. Internally, the NGO’s and victims organization is fragmented in their own concern and lack to establish the common strategy. Furthermore, number and capacity of civil society organization is decreasing since they receive less support from international donors and international agencies due to different interest and strategic priorities. Therefore, building the common strategy, aim and objective in their work is essential, as reflected on the strategy of KKP.

However, a few NGO’s and civil society organizations have played – and continue to play – a significant role in Indonesia’s political transition. Greater respect for freedom of expression has also meant NGOs and victims groups receive support from the media in raising awareness. Improved engagement with government policy makers is also important for demanding the state address past abuses. Therefore, while NGOs have the expertise and experiences on specific theme of dealing with the past, the strategy to build a critical engagement with the government is also developing.¹⁵⁴

Moreover, strengthening the role and networks among local, national and international agencies, including international NGOs is very useful in developing common goal and objective. This can be seen in the relation of the Indonesian NGO’s with the other international NGO’s or other group, which has a common concern as the TAO groups. The collaboration of these actors provides the understanding condition under which international human rights regimes and the principles, norms and rules are embedded. The diffusion of international norms in the human rights area crucially depends on the establishment and the

¹⁵⁴ Critical engagement is the current strategy of KontraS. Recently, based on the political change in Indonesia, the challenge of advocacy of the human rights violation is to maintain the professionalism and independency. Critical engagement is offering the concept to engage with the governance institution but still critical, particularly in public on advocating the issue of human rights.

sustainability of networks among domestic and transnational actors who manage to link up with international regimes.¹⁵⁵

Secondly, to choose the strategy that achieving justice will also include the process of revealing the truth and providing reparation for the victims under the transitional justice framework. Various discussions among civil society is recognized that truth could be a general concept in relation with other rights and contributing to ending impunity promotes and protects human rights.¹⁵⁶ Therefore, revealing the truth is the strategy to entrance justice and providing knowledge of truth to the society as well as the pushing the acknowledgment from the state.

Based on the experiences from civil society in revealing truth by official and unofficial initiatives in “*reformasi*” era, they manage to provide alternative truth; particularly bring the knowledge in the society. However, political constraint from the government is also still strong. Why the acknowledgment is only can recognized in special region, Palu, Central Sulawesi Province? Why the state is still denial whereas the international watch the impunity situation after the wide world publicity of TAoK? Why the establishment of national TRC as a formal mechanism is take long process? Why the formal acknowledgment from the state is very difficult to achieve?

Building the unofficial truth initiatives aimed at uncovering the truth about what happened in the past, including 1965/6 mass killings is important. This effort will put victims voice in the “centre of truth,” based on their experience, suffering and struggling in achieving justice. Holding public hearings across different regions in Indonesia, documenting testimonies and conducting awareness raising activities is very significant in this effort.

¹⁵⁵ Risse, Ropp, Sikkink (1999).

¹⁵⁶ *Right to the truth*, E/CN.4/RES/2005/66

The example initiative of SKP HAM Palu is reflecting that the initiative in the province is also important as a tool in pushing the acknowledgment to the local governance. Furthermore, international pressure from the publicity of TAoK is also significant to push the government. However, the national NGO's is taking a role to actively holding the critical engagement with the national state official in pushing the acknowledgment of the mass killing of 1965/6.

Therefore, conducting various initiatives in revealing the truth is enhancing knowledge of Indonesian public and taking a more active role in pushing for a change in breaking the impunity wall in the country. As long as the Indonesian public remains indifferent, the government will continue to ignore its responsibility to fulfill victims' rights to truth and justice.

7. Conclusion

I would like to draw a number of conclusions based on this study by answering the research questions that I proposed previously. Chapter 3 answered research question No. 1 on the implementation of transitional justice framework, particularly truth seeking policy applied in “*reformasi*” era. Chapter 4 and 6 answered research question No. 2 on the civil society’s initiatives aimed at revealing truth of mass killing of 1965 influence the truth seeking policy under transitional justice framework and the analysis of their role. Furthermore, Chapter 5 answered the question No. 3 on the state response to civil society’s initiatives in mass killings 1965/6, which is also the state position in addressing past abuse.

The study concludes that the civil society’s initiatives have played an important role in pushing for truth of mass killing of 1965/6 to be uncovered. Despite prolonged political constraints and the state denial of the events of 1965/6, civil society can and should play a significant role in formal and informal truth revealing initiatives, in providing alternative knowledge to the public, and pushing for formal acknowledgement from the state. However, after more than 16 years of *reformasi*, the framework of transitional justice has not yet been able to function properly as an integral approach in settling the past human rights abuses in Indonesia. “Postponed transitional justice” during these transitional years is still on going in Indonesia. Therefore, truth, justice, reparations and the guarantee of non-recurrence for past abuses, as a comprehensive framework of transitional justice, are still very difficult goals to achieve. What civil society had done during the “*reformasi*” era highlights that achieving the integrated approach takes a long time and requires a gradual process.

Based on the assessment of the political transition during the “*reformasi*” era, it shows that most of all of the regulation and policy with regard to the human rights, particularly related to the settlement of the violations of the previous regime, was established by political negotiations. The mass killings of 1965/6, including the ongoing violence afterwards, illustrates

the pattern of impunity in Indonesia, which still remains through systematic repetition. The case demonstrated how issues around uncovering the truth about the past is clearly subject to political will and political negotiation. It can be seen from the process of the setting up of a formal mechanism in revealing the truth in the country, which are the establishment of the TRC and *pro-justicia* investigation of Komnas HAM. Some actors in the government and parliament, who have relation with the previous regime, have their interest in enacting the Law of TRC, which ignored the victim's rights as well as international human rights laws. Furthermore, the proses of *pro-justicia* investigation of Komnas HAM faced various obstacles. The investigation of this case is the longest investigation of the past abuse cases in Indonesia. During the investigation process, Komnas HAM received systematic refusal from the political party members and Muslim organizations or fundamentalist and militia groups, which always stated that "Communism will resurrect" if any organizations or individuals raise the issue of mass killings of 1965/6. The most difficult situation is that the state itself – in the form of the Attorney General's Office – is refusing to follow up the investigation report of Komnas HAM. Furthermore, there is no significant effort from the government, including the President, in integrating the investigation report of Komnas HAM as part of the truth mechanism for the 1965/6 case, as well as providing justice and reparation to the victims and their families. However, the UN recognized that the investigation report of NHRI in the country could be acknowledged as the formal truth by the state. Therefore, the integrated framework of transitional justice in Indonesia has not yet functioned properly, due to lack of political will from the state. This situation indicates that this framework is merely a politically negotiated concept in the democratic transition of the country, as also discussed in the development of the concept of transitional justice in the UN.

The prolonged impunity and political constraints in addressing the past abuses brings a special concern for human rights organizations to have a realistic strategy in advocating for accountability for past abuses, focusing on only very few priorities. Truth seeking has two dimensions: individual rights and collective rights. Therefore, revealing the truth of mass killing of 1965/6 is not only important for the victims and their families, but also for socie-

ty in the country as a whole. It is commonly agreed by the human rights organizations that revealing the truth will also have a positive impact on other elements under the transitional justice framework.

Besides calling for the truth to be uncovered through formal mechanisms, the other alternative is to addressing the truth through informal mechanisms. The effort of SKP HAM in Palu to push the local government to acknowledge the victims of mass killings of 1965/6 in Central Sulawesi and apologize becomes a portrait of the willingness of the local governance in acknowledging the past. This is also an opportunity to urge the similar policies in other provinces. Furthermore, the other cultural way to revealing the truth such as the publicity of TAoK is also significant in informing the knowledge of the truth of this case worldwide, and particularly in the local society to build the local reconciliation. The response from the government to the publicity of TAoK has also increased knowledge to the people nationally, as well the “force” acknowledgment from the state. In addition, building various unofficial hearings – raising victims’ voice – in the regional province on the mass killings of 1965/6 and collecting documentation and information, which are conducted by the KKP, is also important to enhance the truth-seeking in the society as well as providing knowledge to the people as part of the truth revealing initiative. This initiative is also important for the healing process for the victims and families themselves. The strategy of civil society in building coalitions and networks locally, national and internationally strengthens common efforts towards revealing the truth of mass killings of 1965/6.

Various initiatives revealing the truth have influenced the state position in responding the mass killings of 1965/6. During the authoritarian regime, the state adopted the “literal denial” of the case. They were providing their own propaganda on the facts of the violation. However, in tandem with the political transition in the country, the state is also changing its position of denial. From the recent developments, particularly after the publication of the Komnas HAM investigation report and the worldwide attention of TAoK, the state is changing the position to “implicatory denial”. The state does not deny that crimes against humanity occurred in 1965/6 but justifies this crime. However, the government is still re-

fusing to acknowledge the case, providing the “historical clarification” and apology for victims.

I would argue that adopted the transitional justice framework is rather ambitious as the integrated approach in addressing the past. However, as an ideal concept, this framework still significant and has to become a foundation of a human rights advocacy. Therefore, civil society, including NGOs and victims’ groups should consider the changing political situation in the country. Choosing realistic goals and methods will make the advocacy more strategic. In this current situation in Indonesia, revealing the truth of mass killings of 1965/6 can also significant impact efforts to achieving other victims’ rights, including justice. Providing knowledge to society and achieving acknowledgment from the state is significant in seeking the truth.

Indonesia will have new political administration in October this year. The role of the President is very significant in dealing with this crucial issue. Since the president-elect doesn’t have any connection with the human rights problems of the past and has a proper program of addressing the past abuse, the effectiveness of the strategy of civil society to deal with this will be tested.

Table of reference

a. Books

AE Priyono in Stanley Adi Prasetyo, AE Priyono and Olle Tornquist, *Indonesia Post Soeharto Democracy Movement*, Demos, 2003

Amy Gutman and Dennis Thopson, *The Moral Foundations of Truth Commissions, in Truth vs Justice*, Robert I Rotberg and Dennis Thompson, Princeton University press, Princeton and Oxford, 2000

Anja Jetschke *Linking the unlikable? International norms and nationalism in Indonesia and the Philipines*, in *The Power of Human Rights, International Norms and Domestic Change*, ed. Thomas Risse, Stephen C. Ropp and Kathryn Sikkink 1999

Anja Jetschke, *Human Rights and State Security, Indonesia and the Philipines*, University of Pennsylvania Press, Oxford, 2011

Bradley Simpson, *The September 30th Movement and Destruction of PKI in Economists with Guns: Authoritarian Development and U.S.-Indonesian Relations, 1960-1968*, Stanford University Press, 2008

Bulletin Tapol No. 80, April 1987;

David Backer, *Civil Society and Transitional Justice: Possibilities, Patterns and Prospects*, Journal of Human Rights No. 2, 2003

David A Blumenthal and Timothy L. H. Mc Cormack, *The Legacy of Nuremberg, Civilising Influence or Institutionalized Vengeance?* International Humanitarian Law, Martinus Nijhoff Publishers, 2007

David A Crocker, *Civil Society and Transitional Justice* in *Civil Society, Democracy and Civic Remedy*, ed. Robert Fullinwider (Lanham MD. Rowman and Littlefield) 1999.

Eduardo Gonzales and Howard Varney, *Truth seeking: Elements of Creating and Effective Truth Commission*, ICTJ, 2013

Elsam, Position Paper *the Draft of TRC*, 2003.

Eric Brahmnn, *Civil Society and the Development of the Rule of Law in Past Conflict Sciences*”, International Justice of Not For Profit Law 9, no. 4, 2007

Greg Fealy, *The Release of Indonesia’s Political Prisoners: Domestic Versus Foreign Policy, 1975-1979*, Melbourne, 1995

Hilmar Farid and Ricardo Simarmata, ICTJ, *The Struggle for Truth and Justice*”, *A Survey of Transitional Justice Throughout Indonesia*, 2004

International Crisis Group (ICG), *Indonesia: Impunity Versus Accountability For Gross Human Rights Violations*, Jakarta/Brussel, ICG Asia Report No. 12, 2001.

ICTJ and KontraS, *Indonesia: Derailed, Transitional Justice in Indonesia since the fall of Soeharto*, 2011

ICTJ and KontraS, *Arrange the Puzzle of Human Rights Violation on 1965*, 2012

ICTJ *Intended to Fail: The Trials before adhoc Human Rights Court in Jakarta*, 2003

Jamal Benomar, *Justice after Transitions*, in *Transitional Justice; How Emerging Democracies Reckon with Former Regimes*, Vo. 1. General Consideration, ed. Neil J. Kritz, Institute of Peace Studies, Washington DC, 1995.

Jemima Garcia Godos and Chandra Lekha Sriram, *Transitional Justice and Peacebuilding on the Ground: Victims and Ex Combatants*, Routledge, London and New York, 2013

John H. McGlynn et al, *Indonesia in Soeharto Years, Issues, Incidents and Images*, Lontar Foundation, 2005

Jon Elster, *Closing the Books; Transitional Justice in Historical Perspective*, Cambridge University Press, Cambridge, 2004

Jose Zalaquet, *Confronting Human Rights Violations Committed by Former Governments: Principles Applicable and Political Constraints*, in *Transitional Justice; How Emerging Democracies Reckon with Former Regimes*, Vo. 1: General Introduction, ed. Neil J. Kritz, Institute of Peace Studies, Washington DC, 1995

Kathryn Sikkink and Thomas Risse, *The Power of Human Rights, International Norms and Domestic Change*, Cambridge University Press; 1999

KontraS, Position Paper *The Establishment of TRC: A shortcut to Avoid the Fairness and Honesty of the History*, 2003.

KontraS, *Report on advocacy of mass killings 1965*, unpublished, 2013.

KontraS *Human Rights Report*, 2008 (unpublished).

Lowy Institute Analysis For International Policy, *More Talk Than Walk: Indonesia as a Foreign Policy Actor*, February 2014.

Louis Bickford, *Unofficial Truth Project*, Human Rights Quarterly 29, 2007

Martha Meijer, *The Scope of Impunity in Indonesia*, The Netherlands Humanist Committee of Human Rights (HOM), Utrecht, 2006

Mark Arenhovel, "Democratization and Transitional Justice," Democratization Journal, 2008

Naomi Roht-Arriaza, *Civil Society in Process Accountability* in M. Cherif Bassiouni (ed) *Post conflict Justice*, in ICTJ *Truth Commissions and NGO's: The Essential Relationship*, Transitional Publishers, 2003

Nugroho Notosusanto dan Ismail Saleh, *Tragedi Nasional Percobaan Kup G-30-S/PKI di Indonesia*, Intermasa, Jakarta, 1989

O'Donnel, Guillermo and Philippe C. Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusion about Uncertain Democracy*. Baltimore: John Hopkins University Press, 1986

Olle Tornquist, *On the Legacy of the 1965/6 Massacre in Indonesia in Political Violence: Indonesia and India in Comparative Perspective*, Olle T (ed), Centre for Development and the Environments, University of Norway, 2009

Priscilla Hayner, *Unspeakable Truth: Confronting State Terror and Atrocity*, New York, Routledge, 2010

Priscilla B. Hayner, *Responding a Painful Past: the Role of Civil Society and International Community Dealing With Past: Critical Issue, Lesson Learned and Challenge from Future Swiss*, KOFF Series Working Paper, Swiss Peace, 2005

Robert Cribb, *The Indonesian Killings 1965-66: Studies from Java and Bali*, Clayton: Centre for Southeast Asian Studies, Monash University, 1990

Robert Cribb, *Genocide in Indonesia 1965-1966*, *Journal of Genocide*, 3 (2), 2001

Robert Cribb, *The Indonesian Massacre in Genocide in the Twentieth Century, Critical Essays and Eyewitness Accounts*, Totten Samuel (ed), New York and London, Garland Publishing, 1995

Ruti G. Teitel, *Transitional Justice*, Oxford University Press, Oxford, 2000

Ruti G. Teitel, *How Are the New Democracies of the Southern Cone Dealing with the Legacy of the Past Human Rights Abuses?*, in *The Handbook of Reparation*, ed Pablo de Greiff, Oxford University Press, Oxford, 2006

Stanley Cohen, *States of Denial, Knowing about Atrocities and Suffering*, Polity Press, Cambridge, 2000

Sekretariat Negara RI (1994), *Gerakan 30 September. Pemberontakan Partai Komunis Indonesia*, 1994.

Summary Execution *The Report of Komnas HAM regarding the pro justicia investigation into serious human rights violation related to the events of 1965/6*, 23 July 2012

Timothy Garton Ash, *The Truth About Dictatorship*, New York Review of Books XLV, 1998

Taufik Abdullah, Sukri Abdurrachman and Restu Gunawan, *Malam Bencana 1965 dalam Belitan Krisis Nasional*, Jakarta, Yayasan Obor Indonesia, 2012

The Danish Institute of Human Rights, *Revisiting the Role of Civil Society in the Promotion of Human Rights*, 2004

Truth and Reconciliation Commission of South Africa Report, Volume 1 Chapter 5, 1998

Wendy Lambourne, *Transformative Justice, Reconciliation and Peace Building in Transitional Justice Theories*, Routledge, 2014

b. References to sources

Indonesia law

Law No. 39/99 Human Rights Law

Law No. 26/00 Human Rights Court Law

Law No. 27/2004 Truth and Reconciliation Commission

TAP MPR IV/1999 National Policy Guideline 1999-2004

Presidential Degree No. 40/2004 National Action Plan of Human Rights (2004-2009)

Presidential Degree No. 23/2011 National Action Plan of Human Rights (2011-2014)

Mayor Regulation No. 23/2013 National Plan on Human Rights in the Region

UN Documents

Guidance Note of the UN Secretary General, *United Nations Approach to Transitional Justice*, 2010

Study on the right to truth, Report of the Office of the UN High Commissioner, E/CN.4/2006/91

Right to the truth, UN Human Rights Resolution E/CN.4/RES/2005/66

Resolution of Human Rights Council to the UN General Assembly on *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence* A/HRC/18/L/22, 26 September 2011

Resolution of Human Rights Council to the UN General Assembly on *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence* A/HRC/RES/18/7, 13 October 2011

Pablo de Greiff, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantee of non-recurrence*, A/HRC/21/46, 9 August 2012

Pablo de Greiff, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantee of non-recurrence*, A/HRC/21/46, 9 August 2012; *UN General Assembly Promotion of truth, justice, reparation and guarantees of non-recurrence*, A/67/368, 13 September 2012.

Pablo de Greiff, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantee of non-recurrence*, A/HRC/21/46, 9 August 2012, para 54.

Diane Orentlicher, *Updated Set of principles for the protection and promotion of human rights through action to combat impunity*, Principle 36: *Reform Of State Institutions*, UN Doc. E/CN.4/2005/102/Add.1 and Principle 38: *Reform of Laws And Institutions Contributing to Impunity*

Diane Orentlicher “*Report of the Independent Expert to Update to the Set of Principles to Combat Impunity*,” UN Doc.E/CN.4/2005/102/Add/1, 8 February 2005.

Human Rights Committee: *Concluding observations on the initial report of Indonesia*
CCPR/C/IDN/CO/1, 21 August 2013.

Report on UN Working Group on the *Universal Periodic Review*, A/HRC/21/7, 21 June 2012.

List of judgement/Decision

European Court of Human Rights, *El-Masri v the former Yugoslav Republic of Macedonia*,
13 December 2012

Personal Communications

Albert Hasibuan, the Presidential Advisory Council. 14 May 2014

Dody Yuniar, the Spokeperson of KKPK. Email. 14 April 2014

Galuh Wandita. The Director of AJAR, a former Director of ICJT Indonesia East Timor.
Phone. 14 April 2014.

Joshua Oppenheimer, Director of TAoK. Email. 10 July 2014

Kamala Chandrakirana, the Chairwomen of KKPK, a former Chairwomen of National
Commission on Violence Against Women and currently a member of the UN Working
Group on Discrimination Against Women in Law and in Practice. 14 May 2014

Nurlaela Lamasitudju, the Secretary General of SKP HAM. Email. 7 June 2014

Roichatul Aswidah, the Commissioner of Komnas HAM. Email. 21 April 2014.

Stanley Adi Prasetyo, the former Commissioner of Komnas HAM and a member of
Investigation team of mass killing 1965/6. Email. 7 April 2014.

Usman Hamid, the former Coordinator of KontraS. Email. 3 August 2014.

Articles

Amnesty International: *Attorney General must act on Komnas HAM report on 1965/6 violations*, <http://www.amnesty.org/en/library/asset/ASA21/028/2012/en/03c7c947-8727-43d2-8489-0f13d1abe3fd/asa210282012en.html>, 27 July 2012.

Asian Human Rights Commission (AHRC): *Delegation to Indonesia's National Human Rights Commission urges an end to impunity for the massacres of the past* <http://www.humanrights.asia/news/ahrc-news/AS-238-2007/?searchterm=>, 1 October 2007.

Asvi Wasman Adam, The Jakarta Post, *Fifteen Years Against New Order Stigmatization*, <http://www.thejakartapost.com/news/2013/01/04/fifteen-years-resistance-against-new-order-stigmatization.html>, 4 January 2013.

Berita Satu, *President Instruct the AGO to scrutinize the finding of Komnas HAM*, <http://www.beritasatu.com/politik/62164-presiden-instruksikan-jaksa-agung-pelajari-temuan-komnas-ham.html?.tsrc=rtlde>, 26 July 2012.

Joint press release: *Forty Years of Mass Killings 1965/6: Push to revealing the truth and providing reparation to the victims* http://kontras.org/index.php?hal=siaran_pers&id=625, 1 October 2007;

Joint press release: *"1965 Tragedy is not finished, Komnas HAM has the obligation to respond to it"* http://www.kontras.org/index.php?hal=siaran_pers&id=502, 14 March 2007.

KontraS, Letter to the Chief of Komnas HAM: *Settlement of the pro justicia investigation of the 1965/6 gross violation of human rights*, http://kontras.org/index.php?hal=siaran_pers&id=1321, 6 July 2011;

KontraS, AJAR, Elsam, IKOHI, LBH Jakarta, *1965/6 Victims: Report of the Investigation of Komnas HAM on the crimes against humanity 1965/6: A New Momentum Against New Order* *Correction*, <https://translate.google.com/#id/en/Laporan%20Penyelidikan%20Komnas%20HAM%20atas%20Peristiwa%201965%2CMomentum%20Baru%20Koreksi%20Terhadap%20Orde%20Baru%0A%0A%0Akoreksi>, July 25th, 2012.

KKPK, Press Release: *Victims of Indonesia Human Rights Abuses to Testify in Public Hearings in Jakarta*, <http://kkpk.org/siaran-pers/victims-of-indonesias-human-rights-abuses-to-testify-at-public-hearing-in-jakarta/>, 28 November 2013.

KKPK, Press Release: *The Final Resolution of Citizen Council, The Genuine Reform should Implemented in all stages of the governance*, <http://kkpk.org/siaran-pers/refleksi-akhir-majelis-warga-reformasi-sejati-harus-dijalankan-oleh-semua-tingkat-pemerintahan/>, 29 November 2013.

Kompas, *Nahdatul Ulama Refused Apology to the Victims of 1965*, <http://nasional.kompas.com/read/2012/08/15/20243252/PBNU.Tolak.Permintaan.Maaf.kepada.Korban.Tragedi.65>, 15 August 2012;

Kafil Yamin, Wahid's plan to lift ban on communism pleases no one, <http://atimes.com/se-asia/BD07Ae01.html>

Press release on the coalition of the NGO's and representative of victims of the human rights violation: *"The Verdict of Constitutional Court Affirms State Obligation to Settling the Past Human Rights Abuses,"* http://www.kontras.org/index.php?hal=siaran_pers&id=444, 8 December 2006.

Press Release of the 1965/6 victims group: *Establish the Human Rights Court and Provide Reparation for Victims*, <http://lembaga-pembela-korban-1965.blogspot.no/2011/07/desakan-korban-65-kepada-komnas-ham.html>, 6 July 2013;

Magazine Tempo, “*Special Report: Sarwo Edhi Revisited, 1965 PKI Enemies*”, 9-15 November 2011.

Nurlaela Lamasitudju, “*When the Major Apologies to Victims*,” <http://www.skp-ham.org/76/ketika-walikota-meminta-maaf-kepada-korban/>, 16 October 2012.

Nurlaela Lamasitudju, “*the Mayor of Palu regulation to the victims of 1965 event: A steep road of local initiative*” <http://www.skp-ham.org/588/peraturan-walikota-palu-bagi-korban-peristiwa-1965-jalan-terjal-inisiatif-lokal/>, 2 April 2014.

TAPOL: *Human Rights Commission reveals the truth about 1965/66 crimes against humanity* <http://www.tapol.org/press-statements/human-rights-commission-reveals-truth-about-196566-crimes-against-humanity>, August 23rd, 2012

TAPOL and ETAN <http://tapol.org/saysorryfor65>.

Tempo, SBY Asked to Don't Apologize to Victims, <http://www.tempo.co/read/news/2012/08/05/078421412/SBY-Diminta-Tak-Minta-Maaf-pada-Korban-1965>, 5 August 2012.

The Jakarta Post: “*Komnas HAM declares 1965 purge a gross human rights violation*,” <http://www.thejakartapost.com/news/2012/07/23/komnas-ham-declares-1965-purge-a-gross-human-rights-violation.html>, 23 July 2012.

The Jakarta Globe: *For Indonesia's 'Kamisan', The Demand (and Wait) for Justice Only Grows,*” <http://www.thejakartaglobe.com/archive/for-indonesias-kamisan-the-demand-and-wait-for-justice-only-grows/>, 18 May 2012.

The Jakarta Post: *'Wounded Longing' illustrates Putu Oka's life-long struggle,* <http://www.thejakartapost.com/news/2005/07/31/039wounded-longing039-illustrates-putu-oka039s-lifelong-struggle.html> 31 July 2005;

The Jakarta Post, *Haunted by history* <http://www.thejakartapost.com/news/2013/06/28/haunted-history.html>, 28 June 2013.

The Jakarta Post, *“Rudy Mastura, the Mayor who said sorry for 1965,”* <http://www.thejakartapost.com/news/2013/10/25/rusdy-mastura-the-mayor-who-said-sorry-1965.html>, 25 October 2013.

The Jakarta Post, *Sulawesi Testified: Reveals Rare Perspective on 1965 Massacre,* <http://www.thejakartapost.com/news/2013/10/17/sulawesi-testifies-reveals-rare-perspective-1965-massacre.html>, 17 October 2013.

The Jakarta Post, *What next after The Act of Killing?* <http://www.thejakartapost.com/news/2013/09/30/what-next-after-act-killing.html> 30 September 2013

The Jakarta Post: *Joshua Oppenheimer, Facing the Monster in the Dark,* <http://www.thejakartapost.com/news/2014/03/03/joshua-oppenheimer-facing-monsters-dark.html>, 30 March 2014.

The Jakarta Post, *Government Denies 1965 Rights Abuses Happened,* <http://www.thejakartapost.com/news/2012/10/02/govt-denies-1965-rights-abuses-happened.html>, 2 October 2012.

The Jakarta Post, *1965 Mass Killing Justified: 1 October 2012. Minister*,
<http://www.thejakartapost.com/news/2012/10/01/1965-mass-killings-justified-minister.html>,

The Jakarta Post, *Government Denies 1965 Rights Abuses Happened*,
<http://www.thejakartapost.com/news/2012/10/02/govt-denies-1965-rights-abuses-happened.html>, 2 October 2012.

The Jakarta Globe, *AGO Rejects Komnas HAM Report on 1965 Massacre*,
<http://www.thejakartaglobe.com/archive/ago-rejects-komnas-ham-report-on-1965-massacres/>, 10 November 2012.

The Diplomat, *Beyond the Killing: Indonesia and the Price of Unity*,
<http://thediplomat.com/2013/08/beyond-the-act-of-killing-indonesia-and-the-price-of-national-unity/>, 24 August 2013.

The Jakarta Globe: *Indonesia reacts on “The Act of Killing” Academy Nomination*,
<http://www.thejakartaglobe.com/news/indonesia-reacts-to-act-of-killing-academy-nomination/>, 23 January 2014.